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Sheriff Court of Aberdeenshire

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Records of the  
Sheriff Court of Aberdeenshire

Edited by  
David Littlejohn, LL.D.

Advocate in Aberdeen  
Sheriff Clerk of Aberdeenshire

Volume II.  
Records, 1598-1649

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## Preface

The present volume will be seen to differ from its predecessor in more than one respect. Although the method adopted there of using separate columns had much in its favour, and was commended in many quarters, it was, in the matter of space, obviously wasteful. After much consideration, and with reluctance, it was abandoned in favour of a mode of dealing with the material, which enabled the writer to cover more ground. It will also be observed that the proportion between the Tables of Contents and the Illustrative material has been greatly altered, the reason for curtailing the latter being that examples of Sheriff Court work in the 16th century, are much more rare than those in the 17th. This volume has thus even more of the character of a Dictionary or Digest for reference, than the former had.

At an early stage the problem had to be faced of whether anything in the way of selection was to be attempted, or whether the work should really take the shape of a complete and exhaustive Table of Contents. It was quite certain that to adopt the latter plan, was to run the risk of printing a good deal which might not prove specially useful to any one. On the other hand, were the plan of selection to be followed, it was clear that the originals would still be, as regarded the omitted material, sealed books, leaving it open to searchers to say that what they particularly desired to have, might have been left out. The arguments in favour of a full Table of Contents prevailed, and, although the knowledge that much of what was being produced might turn out to be comparatively valueless, made the Editor's labour all the more burdensome, he was sustained by the hope



## Preface

that among the 4000 or 5000 separate entries, which have been dealt with, investigators might find something that was of interest and value to them.

At the last moment it was found that the material in the printer's hands would make too bulky a volume, so the part covering the period of the Commonwealth's rule in Scotland was left out, and will form part of the third or Index Volume, which is in course of preparation.

D. L.

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## General Introduction

In the Introduction to the former volume it was stated that there had come down to us one volume of Court proceedings, beginning in the sixteenth century and ending in the seventeenth, and thirty-five volumes belonging wholly to the seventeenth century, making thirty-six in all. Sixteen of these have been dealt with in the present volume, the method adopted being as formerly—a brief description of the particular book or books followed by a Table of Contents and an Illustrative Example or Examples. It ought perhaps however to be noticed that in the case of Vol. IV. of the Decree Books which contains merely interlocutory procedure, no Table of Contents has been framed and no examples given, so that the number of books exhaustively dealt with number fourteen ; but to these must be added Part II. of Vol. I. of the Decree Books containing Decrees of Transumpt from 1633 to 1644.<sup>1</sup> These Books, as will be seen, not only differ greatly in character, but the contents of volumes bearing the same titles have been found to be markedly dissimilar. This feature need only be alluded to in this place, as it is dealt with in some detail in the descriptive paragraphs prefixed to individual volumes.

The loss of most of the original Diet Books actually kept by the Clerk at his table in the Court, and from which transcriptions by way of specialization appear to have been made into other books, many of which have also disappeared, has deprived such

<sup>1</sup> It is also proper to point out that a bulky Vol. containing Decrees from 1642 to 1649 and another containing Interlocutory entries for the same period, had to be passed by *pro tem.* ; but with these exceptions the Court Books to 1649 have all been taken up.



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a work as the present of much of the interest and colour, which the existence of complete records would have ensured. From what remains there may, however, be gathered some gleanings, and it is the purpose of the writer in the few sentences that follow to direct attention to a few of these.

### Entries relating to Crime

To the considerable number of persons who find criminal trials of absorbing interest these records must prove more or less of a disappointment. Fortunately the preservation of fragments of the original Diet Books for 1603, '4, '7, '19 and '20, supplemented by occasional entries in the earlier of the Minute Books of Judicial Enactments, has secured to us some examples of crime and its punishment. The entire absence of cases of the kind after the earlier years of the century can only be accounted for by the entire loss of the Criminal books, the existence of which at a later time is clearly established by a memorandum of the Sheriff Clerk in the year 1647 (p. 516 *infra*).

There cannot, however, be in existence many such complete examples of a Sheriff Court Indictment in the earliest years of the seventeenth century as has been found on 22 February, 1603, and reproduced as an Illustrative Example from Vol. VII. of the Diet Books (*infra* p. 25). John Kid and John Litaljohne (names elsewhere in history, and in the pages of romance identified with lawlessness, although not incapable of being found, it is hoped, in combination with respectability) were evidently in the opinion of their neighbours on the jury, not only guilty of a number of the charges laid against them, but of being notorious thieves and brigands, and deserving, in the opinion of the Sheriff-Depute who presided, of the very unusual sentence (in the case of men) of death by drowning. It will be observed that the jury in that case

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numbered twenty-three, two of them from Kincardineshire, and most of them either neighbours of the accused or residing at or near the places referred to in the different charges, and also that in several of the points of dittay, there was embraced a statement or indication of the evidence which was to be relied upon for proving them.

Space will not permit of any further detailed notice of the criminal trials by jury, noticed in the Tables of Contents, or reproduced among the Illustrative Examples, but the case of Meldrum (p. 133) may be referred to in a word as an additional evidence, if such evidence were necessary, to shew that juries were at that time invariably drawn from among the neighbours of the accuser and accused, and neighbourhood of the alleged crime. That case also may be taken as an illustration of the almost ludicrous disproportion that obtained between the fines imposed, and payable to the Procurator Fiscal for behoof of the Sheriff, and the sum awarded to the injured party, as damages and *solatium*. In Meldrum's case the fine was £50, only £5 being awarded to the injured party.

Several cases of Acts of Caution to secure the appearance of persons accused of witchcraft will be found among the Judicial Enactments ; but no case of a trial for this crime has been found in these records.

Abundant evidence of the prevalence of violence and bloodshed will be found, and special reference may be made to the existence of a feud between families of the names of Elmslie and Chessor in the neighbourhood of Kintore in 1609 (pp. 144-5), to the attack upon the schoolmaster of the same Parish on 20 April, 1610 (p. 156), and to the case, under date 6 May, 1612 (p. 179), in which Gilbert and Henry Bartlet were charged with pursuing another man, with drawn swords in the church of Kinkell, upon the Sabbath day.

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The great importance that was attached to the early healing of blood feuds will be found illustrated by two examples (pp. 116-17) of Bonds or Agreements for Assythment, one of which especially is characterized by a certain charming quaintness of language.

Passing from Crime to what may be called *quasi* Crime there will be found numerous examples of Lawborrows, Breaches of Arrestments, Deforcements, and such Statutory offences as the taking of salmon in forbidden time, and the cutting and destroying of green wood. The number of cases of illegal fishing occurring in the course of a few months in the year 1604, and the very great number of persons involved, lead one to the conclusion that in the County of Aberdeen, the statutes upon the subject were at that time more honoured in the breach than the observance.

Passing from Crime, an attempt will now be made to summarize some of the outstanding features of the mass of cases on what may be called the Civil side of the Court, or in other words, and in default of a more satisfactory title,

### Civil Procedure

The question has sometimes been asked, whether there was in these old Court Books anything which would throw light upon the social condition and status of the people at the time. The answer has been "Not much," but it has occurred to the writer that in the class of cases called Decrees *in Supplementum Justicie*, may be found material for drawing a picture of the position of the occupiers, and especially of the smaller occupiers of land, in relation to those above them, and to the administration of justice.

The case of Mr. Gilbert Keyth, Minister at Skene, against Thomas Law in Little Finnersie (24 July, 1633, p. 386) may be taken as an example. Mr. Keyth was the proprietor of the third



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part of these lands, and unless the lands of Finnersie were very much more extensive at that time than at the present day, the third part of Little Finnersie (there being also a Meikle Finnersie) cannot have extended to much more than a few fair-sized fields of our own time, and the tenant's house cannot, in all probability, have been much more commodious than what County Officers of Health would now consider an insanitary hovel. Mr. Keyth being of opinion that his tenant was behind with his rent, proceeded to appoint another Keyth to be the Bailie of his lands, a Notary Public to be a Clerk of a Court of the lands, a third Keyth to be the Officer of the Court and a fourth person to be the Dempster of the Court. Accompanied by these officials, who were his nominees, the Minister, in his capacity of Laird and Pursuer, proceeded to the tenant's house, and then and there constituted a Court of the lands, and either then and there, or subsequently, caused to be embodied in a formal Act of Court, the proceedings that were said to have taken place. It may be safely left to readers to form their own opinion as to the tenant's chances of a fair hearing or of successful pleading in a Court so constituted. It may be concluded that the tenant was not satisfied (although he was said to have confessed) because he immediately left the lands, taking his effects with him, and so rendering it impossible to put the Decree to execution. His doing so might mean a dishonest attempt to evade payment of an honest claim, but there is evidence in other parts of these records that, when a defence was subsequently offered in the Sheriff Court to similar decrees modifications were obtained as a result.<sup>1</sup> It may be observed moreover, that the prices awarded to the minister by his Court were materially in excess of the Fiars Prices for the crop in question. This particular incident has been specially noticed

<sup>1</sup> In the case of *Cheyne v. Gellan* (p. 369) where the Defender was said to have confessed in the Burgh Court that he was due 12 bolls of meal, the result in the Sheriff Court was a Decree for a little over 3 bolls.

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as illustrating the very subservient and almost hopeless position of an occupier of the soil in the position of this Thomas Law, in a dispute with his landlord.

These Decrees of Supplement suggest another line of thought. At an earlier date the tillers of the soil were to a large extent *astrecti glebae*, fixed like limpets to a rock, and the writer cannot recall a single Decree of Supplement in the sixteenth century. The earliest found, occurred in February, 1603 (p. 33). From that date onwards there was an increase of these cases, at first slow, but rapidly growing, until their number was considerable. The meaning of this was, that greater movement was taking place among the tillers of the soil than had formerly obtained. The coming of the Reformation, which had stirred the national life, had also brought with it impatience of old limitations and restrictions.

From the legal historical point of view this increase of movement meant on the one hand, the gradual decadence of Courts of Lands, Baronies, and Regalities, and on the other, the growth and extension of the Sheriff Court. The trouble and expense of double Decrees must have gradually brought it home to the minds of those interested, that it was simpler and better to resort directly to a Court, whose jurisdiction extended over the whole County, than to begin by applying to Courts, whose jurisdiction was limited to parts, and sometimes to very small parts, of the Sherifffdom.

It is not possible to gather from these records, specific information as to the nature of the buildings in which the agricultural classes were housed, but it clearly appears from the Books of Judicial Enactments, that everything which made their dwellings habitable, belonged as a rule to the tenants. The most cursory reader cannot fail to gather this from the numerous instances of the arrestment of the whole woodwork of the

## General Introduction

buildings, described in great detail, in proceedings at the instance of the occupier's creditors. It is also quite true that there are cases in the Decree Books where actions were brought and Decrees obtained, by landlords against their tenants for demolishing or removing the woodwork of farm buildings; but these seem to have applied chiefly in cases where they were formal leases.

If the old Session Records of the Parish of Skene were extant and available, some light might be had as to the offences for which the penalties decerned for 14 June, 1637 (p. 461), were imposed. In the absence of details, readers must be left to form their own conclusions.

The agricultural labourer, as such, appears in the Volumes dealt with, very seldom indeed, and then only in reference to his "fee" or remuneration. A few cases of not entering to service—the first on 14 Jany., 1618—(p. 234), have been found, in which the penalty awarded against the servant was the amount which he would have received if he had fulfilled his engagement. The Decree Books of later date than those dealt with in the following pages, contain much more numerous examples of cases between master and servant.

Of proceedings in the Sheriff Court common in the first half of the seventeenth century, but which have now disappeared, we find Actions of Transumpt and of Registration taking a prominent place. An example of a Decree of Transumpt was given in the first volume (p. 371), but it may not be amiss to explain that the object aimed at was to secure that, when one or more parties were interested in the title deeds to lands, each should have it in his power to obtain from the Court, after transumpt, an authentic copy of the originals, which to all intents and purposes should be equivalent thereto. A number of these cases will be found in Part II. of Decree Book Vol. I. (pp. 492-5).



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Actions of Registration were instituted for the purpose of enabling the heirs of creditors under obligations, containing a clause of Registration for Execution, to proceed against the debtors under that clause, as if they had been the original creditors. As somewhat outstanding examples of this class of Decrees there may be cited the cases of Janet and Margaret Chalmer, daughters and co-heirs of Robert Chalmer, burgess of Abd., against their father's debtors, dated 20 Decr., 1639 (pp. 472-3). In these instances the Decrees were of great length, every one of the Bonds and Obligations being (as was the practice) engrossed *ad longum*.

In the former volume, Actions of Removing, Actions of Cognition, Actions of Spuilzie, and Actions for recovery of rent, occupied the Court almost entirely, and hardly any other kind of litigation found a place. From the Tables of Contents in the present volume, it may at once be seen how much the area of the Court's work had broadened. In that volume almost everything related to the land, in this there will in addition be found, a vast number of cases relating to money and personal property, and rights of a variety of kinds. So much is this the case that it is a hopeless task to attempt in a short general introduction so to summarize, as to convey any adequate description of the contents, a few brief glances being all that is possible.

Actions of Forthcoming were of constant occurrence ; but frequent as they were, it is evident that if all the arrestments, which we find recorded among the Judicial Enactments, had been followed up by such actions, the life of the Court officials would have been made a burden to them. What was the why and wherefore of the enormous number of these arrestments ? This question will force itself on the attention of the reader ; but cannot be answered with precision and certainty. It is obvious to start with, that the diligence then called arrestment partook as

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much of the character of the poinding or sequestration of effects in the debtors own possession, as of the attachment of funds or effects in the hands of third parties. Speaking very generally the arrestments may be divided into three classes, those for recovery of ordinary debts, those for the recovery of rent, and those arising out of boundary disputes. The first of these would correspond most nearly to the modern arrestment, the second to sequestration for rent, and the third to poinding. The precepts upon which the arrestments proceeded were often those of landlords, and they were laid on by their officers. Judging from occasional glimpses behind the scenes, they may at times have been laid on without a precept or warrant of any kind. The party who could afford it, and was smart enough to be first in the field, had a poor and friendless opponent at his mercy. What could a tenant in such a position do on the eve of harvest, when all his growing crop had been arrested, or if, on the eve of winter, it was put out of his power to lay a finger on his stock of peats, without incurring the pains of breach of arrestment? No course was open but submission or sacrifice. It would appear, however, that many had friends ready to help, often in their own neighbourhood, and frequently in the Town of Aberdeen. When a tenant was involved in a landlord's dispute, his laird was, of course, at hand loyally to back him, and in a large number of instances the arrestments obviously arose out of differences about marches. As an example of a laird's timely support in a matter much more serious than a mere boundary dispute, may be cited the case of Andrew Myntie in Wester Corse (12 Oct., 1609, p. 151) charged with homicide, for whose appearance to be tried, and for the release of his property from arrestment Patrick Forbes (afterwards Bishop Patrick Forbes) of Corse, became cautioner.

Two localities in the neighbourhood of Aberdeen were for a

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time constantly in evidence in disputes about marches, namely, the " Reid Burne " near Logie Fintray, and the Hill of Drumna-gair in Old Machar, near the site of the new Kingseat Parochial Asylum ; but it is not necessary to go so far afield for examples, for corn was arrested upon the " Thriepfeilds " of Gilcolmstone, upon " the cruikit myris and outfaldeis of Gilcolmstone " and upon the south side of the " Theifis fauld of Gelkquhomstowne " while " faill cassin upon the Wast end of the Cardowne fauld of Gelkquhomstowne " was made the subject of the same form of diligence.

Whether it was in connection with the boundaries of his glebe or not, that in 1606 Mr. Wm. Neilsoune the Minister of Fintray, fell foul of Wm. Forbes of Logie-Fintray and his tenants, the record does not disclose ; but we learn (p. 90) that he had to find caution for 200 merks in a process of Lawborrows, that he would keep the peace towards them. From the records of the Presbytery of Aberdeen it would appear that on 17 July, 1601, the Minister's application to have a glebe designed out of Forbes' lands was before the Presbytery, and was dealt with. The Process of Lawborrows originated in the Court of Session in 1603 or 1604, so it is not unreasonable to suppose that the trouble was of the kind indicated.

A quaint entry in 1607 regarding a member of another profession may suitably be adverted to here. We refer to the case of Alexander Wilsone, Chirurgeon (p. 99), for whom Thomas Gordon of Grandoun was cautioner that the accused should appear " to underly the law for the deathe of unquhill Alexr Reid sone to Mr Wa. Reid Advocat in Abd. quha depairtit this present lyff throche the miscuir of the said Alexr as is alledgit." Unfortunately there is no record of the trial.

In addition to Acts of Caution of various kinds, Renunciations, Discharges and Ratifications granted by married women *in facie*



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*curiae* bulk very largely in the Minute Books of Judicial Enactments, and it is hoped that they may be found useful in supplying genealogists with the names and family descent of the female members of families, who are never so easy to trace as those of the other sex. To lawyers, and especially to Civilists, the persistent reference, at one period, in these Acts of Court, to the *Senatus Consultum Velleianum*, must be of interest. An example occurring in the 16th century was printed in the former volume and references to the Edict have been found at least as late as 1613.<sup>1</sup> It is said that this edict was never incorporated with, or recognized as part of, the law of Scotland. Be that as it may, the fact remains that experienced conveyancers at that time were of opinion, that in addition to a general renunciation of women's rights, there should be a special renunciation of this *Senatus Consultum*.

A somewhat remarkable and picturesque example of Symbolism, which the writer does not happen to have seen noticed elsewhere, will be found among the Judicial Enactments of 1606 (pp. 85 and 118). There is nothing new in the delivery of the keys of the "fyre" houses barns and office houses, or of "yeird and stane" of the ground, as there recorded; but the picture of carrying out the eviction "be casting out of ane Cheir and ane Tangis"—the chair presumably in which the previous occupant sat, and the tongs by which the fire was fed—may possibly be as new to many, as it is quaint and interesting.

The duties or mutual obligations of neighbours were occasionally brought under the cognizance of the Sheriff Court, and were dealt with. One of these was the obligation of herding, "or keeping guidis," *i.e.* bestial, from invading neighbours' corn fields, a most important matter in the days when sufficient fencing was very rare. Numerous cases will be found in which damages

<sup>1</sup> See also Records of Old Aberdeen. New Spalding Club, I., p. 35.

were sought and obtained for non-fulfilment of this duty. Two cases of a different and unusual but interesting kind, one occurring in 1631 (p. 347), the other in 1641 (pp. 483 and 489), may be specially noticed. In the former, a farmer was found liable to pay for part of the crop on the adjoining farm, "brunt be him in his default and sleuth being neighbour to the complenares in sa far as the defendar kendlit fyr in the moss," etc., and which was allowed to spread to the corn. In the second case a mare became affected with a horse sickness, called mortiecheyne, upon which a neighbour warned the owner to put the animal away, as a danger to the neighbourhood, and protested that if this was not done he would be held liable in damages. The owner of the mare paid no heed to the warning, the infection spread and the Court found him liable to pay damages.

Information as to the foreign trade of the country is not to be looked for in Records such as these, but from the case of *Nicolson v. Smyth* and others, 4 June, 1634 (p. 394), we learn that meal, bear, and malt were shipped in considerable quantities from Peterhead to Norway, the return cargoes being composed of timber. The export duty charged upon the grain was 5/- per boll, while for each "laidning" or "leadning" of wood coming into the port there was charged £5.

In this connection attention may be drawn to the case of *Gordon v. Menzies* and others, 5 Decr., 1634 (p. 422), not so much as furnishing a list or inventory of the belongings of a lady of the better class, although it is not without interest from that point of view, but rather as showing the number of distant places with which the inhabitants of these Islands had directly, or indirectly, established commercial relations. The Netherlands, France, Spain, Italy, Turkey, Russia and India had all contributed to the filling up of this lady's trunks and kists.

## General Introduction

It is necessary to allude very shortly to the forms of process or procedure in the Sheriff Court during the period covered by this volume. Fortunately this necessity was foreseen, and the course of two litigated cases was traced out and will be found under dates 3 June, 1607, and 19 Novr., 1617 (pp. 130 and 226). It only remains, therefore, to add that so far as the writer has been able to observe, cases as a general rule took end in five different ways (1) In default of appearance to defend; (2) By failure to lodge defences or other paper ordered; (3) By a decision against either of the parties on relevancy, proof being disallowed; (4) By the failure of one or other of the parties (ordinarily the defender) to appear at the diet of proof, when specially cited, and (5) By a decision of the Court after proof. One peculiarity of the then practice, which will doubtless be noted by legal practitioners, was that there was apparently no limit to the number of defenders who could be convened in one action, on different grounds of debt or liability.

Before passing from the subject of Civil Procedure, two features of the Decrees, which are very noticeable, call for a few observations. One of these is still to be observed, although perhaps not in such a marked degree, while the disappearance of the other in modern times is a thing deeply to be deplored. The practice of asking much more than you expect to get, has been common in all times and in all countries. Of actions of damages this is specially true. The particular field in which our forefathers surpassed themselves was in the matter of the "excrement profits," which they claimed in Actions of Spuilzie. If the statements, which they set down as to the prolific capabilities of their live stock and their value, had been true, the occupation of cattle, sheep, swine and poultry rearing would have been profitable beyond the wildest dreams of the farmers of modern times. Without repeating details, reference may be made to the case



which the writer, for want of a better name, has titled "Pigsticking in Strathdon," in 1617 (pp. 218 and 233), and to the case of Spuilzie of cattle, sheep and horses, in 1637, at the instance of Sir Robert Innes of that ilk (pp. 445 and 462), which have been used as Illustrative Examples. A further illustration has been found in a decree relating to the Spuilzie of the Minister of Glenmuick's poultry yard, in 1638 (p. 449). In the two cases first named the Pursuers had to be content with much less than they sued for ; but the minister, Mr. Alexr. Gordoune, owing apparently to the non-appearance of the defender, got what he asked, and what he asked as the excrescent profits of six brood geese, carried off a year before, was thus expressed : " Ilk guise ilk day to ane ege pryce thair of twa shillingis<sup>1</sup> and ilk guise ilk yeir sex brodis ilk bruid extending to sextein geis pryce of ilk guis thair of twentie shillingis." Surely a wonderful picture of fecundity, and of combination of production with incubation, and which, according to the terms of the decree, was to continue in operation until his geese were restored to the Minister, " als guid as they war the tyme of the spuilzeatioune thair of " !

But if in these days we exaggerate somewhat less than those who went before us, we fall sadly short of them in their regard for the sacredness of an oath. Nothing has made a deeper impression upon the writer's mind than the remarkable efficacy of the reference to an opponent's oath in those old days. When, in our litigations, other proof is wanting, and a reference to oath is suggested, the experience of every one prompts him to say "*cui bono?*" In other words, as a method of ascertaining the truth from an opponent, it is regarded as practically inoperative and almost worthless. It was quite otherwise in the 16th century. Up to the point of proof, every trick of fence that legal ingenuity and casuistry could suggest, would be used by the procurators

<sup>1</sup> Scots Money.

## General Introduction

without scruple, in the attempt on behalf of a defender to stave off a claim, or to escape liability altogether ; but should these be overcome, and the merits referred to the defender's oath, one of two things happened. The recalcitrant debtor either refused to face the ordeal by absenting himself (which was the common method), or attended and admitted at least some measure of liability. The cases of entirely unsuccessful references to oath formed an exceedingly small proportion of the whole. These remarks apply not to defenders only, but to pursuers also, who not infrequently modified their claims on a reference to their oaths. A notable example of this has already been referred to in a footnote (p. xvii), where the Laird of Arnage, holding already an Act of the Bailzie Court against his debtor for 12 bolls of meal, reduced his claim, upon a reference to his oath, to 3 bolls 1 firloot.

### Notable Persons

It was in the writer's mind to embrace in this Introduction some references to the names of the numerous persons of note, who flit across the pages of the Court Records ; but for various reasons he has resolved to leave over everything of that kind, with one exception, to the third or Index Volume. The exception is that of Dr. Arthur Johnston the poet, whose name occurs, and whose affairs, movements, and family are dealt with, in a group of entries reproduced on pp. 299, 300 and 301 *infra*. It may be remembered that according to Sir William Geddes' Memoir,<sup>1</sup> Dr. Johnston had returned to Aberdeen from the Continent previous to August, 1622, because on the 5th of that month he had been enrolled as a burgess. Farther proof has been found in the entries just referred to, from the first of which, under date 12 June, 1622, it appears that, before that date, he

<sup>1</sup> Musa Latina Aberdonensis, Vol. II., p. xxx.

## Aberdeenshire Sheriff Court :

had bought a house—no doubt a residence—on the East side of the Gallowgate of Aberdeen. This house had belonged to one John Burnet, a burgess, then deceased, whose widow, Issobell Burnet, had apparently the liferent of it. With her consent, however, it had been sold, and so on the date mentioned she appeared in Court to testify to that effect. Her renunciation—and no doubt the clause was identical with the Disposition which had been granted—was “in favores of Mr Arthur Jhonstoune Doctor of Physick, and Marie Cagnoncle his spous now heritable proprietars of the samen.” It is probable that the information, which was obtained from the Registry of Births at Sedan, in which the lady’s maiden name was given as de Cagniole, was correct and final. At the same time it cannot be readily assumed that a scholarly man like Dr. Johnston would furnish a garbled spelling of his wife’s name, to be used in such a serious matter as a conveyance of heritage to him and her, nor does it seem to the writer that it is to be taken for granted too easily, that the Clerk of Court made a mistake in copying from the conveyance. Be this as it may, the record in this volume fixes the poet as having taken up his residence in Aberdeen not later probably than Whitsunday, 1622. This, as has been said, is quite in accordance with the conclusion arrived at by Sir William Geddes. There is a statement, however, by Abbé Bouillot,<sup>1</sup> to the effect that Johnston remained on the Continent until 1623, and the entry which is now to be referred to may quite well be interpreted as bearing out the accuracy of the conclusions of both the late learned Principal and of the Abbé Bouillot. So soon after his return as 28 August, 1622, Dr. Johnston appeared in Court, “being passing out of this realme and uncertaine of his returning,” and nominated curators *ad lites et negotia* to his children, who are named. It is not likely that a mere visit to England would have induced

<sup>1</sup> *Musa Latina*, II., p. xx.

## General Introduction

Johnston to take this step. His action rather points to this, that after settling his wife and family in Aberdeen, he returned to the Continent to wind up his concerns there, and did not finally quit Sedan until 1623, as the Abbé has it.

What was the cause of his leaving Scotland does not appear from the Sheriff Court records ; but the necessity laid on him for appointing curators to his children does. The house he had bought had belonged to the deceased John Burnet, and when it was sold, the price, after making provision for the Widow's right of liferent, would doubtless go to relatives of the deceased owner. Two of these at least had creditors, who were not very sure of being paid, so these arrested in Dr. Johnston's hands the price payable to their debtors, Burnet's heirs. At a somewhat later date there is evidence that one of the arrestments was withdrawn, but it is unnecessary to allude to this matter farther than to indicate, that these complications rendered it desirable for Dr. Johnston to take the somewhat unusual course which he did, of appointing curators to his children in his lifetime.

Before bringing these brief notes to a close, it may not be amiss to add one or two explanatory observations regarding the text.

The spellings of the names and designations of persons and the names of places have been scrupulously followed, even when they differed, as they frequently did, in one and the same entry. The constantly occurring contractions have, in almost all cases, been expanded according to the spelling of the period.

In all cases where sums of money occur, Scots money is to be understood unless it is otherwise stated.

A farther word of explanation may be added for the benefit of any who may not be familiar with the older forms of Conveyancing, and who may be perplexed by observing persons suing as



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heritable proprietors of estates, which they have hitherto believed to have, at the time, belonged to well-known county families. It is often puzzling ; but the solution is to be found in this, that, before the days of Bonds and Dispositions in Security, those who lent on the security of heritage, received an absolute Disposition, upon which they obtained themselves infest in the subjects. It is true that these Conveyances were qualified by reversionary clauses, proving that the radical right still remained with the borrower : but until these provisions became operative by repayment of the debt, the lenders were entitled to style themselves " heritable proprietors," as in judicial proceedings they almost invariably did.

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PART I.

Records, 1598-1649



# RECORDS OF THE SHERIFF COURT OF ABERDEENSHIRE

The Diet Books: Vol. VI., 1598-1621

This volume contains an almost complete record of the Head Courts of the County for more than 20 years, from Michaelmas, 1598, to Pasche or Easter, 1621. From about the middle of the book there is missing the latter part of the record of the Court at Pasche, 1611, and the whole record of the Michaelmas Court of that year. It is not absolutely clear whether some pages are not missing at the beginning of the volume, which has been mended with tissue paper throughout. There certainly appears to be at least one leaf missing at the end. The amount of scribbling on a number of leaves at the beginning and end may almost be called extraordinary; but nothing of an authoritative kind by way of title is decipherable. The date of the first entry, which records an appointment made at a Court held by the Earl of Huntly, cannot be made out, except that it was in the month of April: but as the Earl was not restored to the Sheriffship until June, 1597, and the next date in the book is October, 1598, it must have been April of the latter year. Two entries occur in May, 1621, after the date of the last recorded Head Court, both with reference to the appointment of Sheriff Deputes; but unfortunately the second of the two is incomplete. For part of the period covered by this volume other Diet Books exist, which prove that this one is a clean copy taken from these, either at the time or soon after. In these circumstances signatures are not expected to be found, and in this whole volume only one occurs, that of Mr. William Anderson, the Sheriff Clerk, who on 3rd October, 1620, appends his signature to the sentence of fine of the Absent Barons, designing himself "*Scriba curie vicecomitatus de Abd.*"

Previous to the Michaelmas Head Court of 1609, the fine inflicted on the Barons for absence was "the unlaw contenit in the Act of



## Aberdeenshire Sheriff Court

Parliament," but at that Court £40 Scots is specified, while at and after Michaelmas, 1615, the amount is raised to £50 Scots.

It has no doubt occurred to some to speculate as to the origin or antiquity of the term "my Lord," used in addressing Sheriffs and their Substitutes in Scotland, as contrasted with the title "your honor," used in addressing other inferior judges and magistrates both in Scotland and England. There is nothing in these books to throw light on the origin of the practice, but they clearly establish the antiquity. The term occurs occasionally in the books of the 16th century, but is specially prominent in the sentences of fine in this volume, which begin "The said day my lord Shreff deput foresaid."

The lists of absentees who were fined and the numerous claims to be exempted from attendance make it plain that no jurors of our own time could be more anxious to avoid serving than the county gentlemen of old were to avoid personal attendance at the Head Courts, while, on the other hand, no modern judges could be more strict in imposing the penalties for non-attendance than the Sheriffs of those days were.

Speaking generally, the contents of this volume are Lists of Absent Barons, claims of exemption from attendance, the entry of suitors and appointments of Sheriff Deputes. One election of commissioners to Parliament and general conventions is recorded on 1st October, 1616, at which the Marquis of Huntly presided as Sheriff Principal.

It has not been thought necessary to mention in the subjoined Table of Contents those Courts at which the business was purely formal.

## Table of Contents of Vol. VI. of Diet Books

1598.  
April      **Appointment of Sheriff Depute.** The Earl of Huntly, sitting on the bench as Sheriff principal, created John Gordoune in Haltoun of Fintray, a Sheriff depute during pleasure, who took the oath *de fidei*. Mr. Thomas Leslie, describing himself as depute to John Leslie of Balquhane, protested that the right to the office, which he also had from Lord Huntly, should not be prejudiced.
- Octr. 3.      **Head Court.** At this Court, presided over by John Gordoune of Bogis, 89 barons were fined for absence of themselves or suitors. The Sheriff admitted Gilbert Guthrie, elder, as suitor for the Laird of Phillorthe, and Hucheoun Ross, who was apparently the doomster of the court at this period, as suitor for the Laird of Bairnis. Alexr. Mortymer, who was suitor for the Laird of Cragyver, protested that the Laird was obliged to give suit at the Head Michaelmas Court only.
1599.  
Jany.      **Head Court.** 80 barons fined. Mr. Wm. Reid, burgess, as Attorney for George, Earl Marischal protested that his principal should be excused because he was in His Majesty's service.
- April 17.      **Head Court.** 70 barons fined, and the following suitors admitted :—Gilbert Guthrie, Younger, for John Urquhart of Culbo, Tutor of Cromarty, and also for the Lairds of Dunlughous and Petfour-Innes. Robert Garioche for the Laird of Towy Ryland.
- Octr. 2.      **Head Court.** 68 barons fined. Patrick Gordoun of Halhead, who claimed that his only obligation in respect of Head Courts was to give a suitor at the Head Michaelmas Court, produced in support of his claim a grant by James, King of Scotland to the late John Gordoune, son to the late John Gordoune in Cushnie of the Lands of Conquhunderland and Halheid in Cushnie dated 24 July 1511. Other claims for exemption, complete or partial, were made by the Laird of Balgovnie—Hepburne. The Laird of Blakfurde. The Laird of Leys, who alleged that his lands of Carnayes were annexed to his Barony of Leys, and therefore in Kincardine. The Lady of Kemnay claiming to be immediate tenant to the King and annexed. The Laird of Thainstoun, who claimed to hold of the Crown for payment of a silver penny at the Kirk of Kintore, if asked only. The Laird of Auchlossin. The Laird of Cragiver, for whom an exemption was produced. This document was "ordanit to be batterit and admitit." John Lumisden of Cushnie, who produced an Act relative to a Charter of the lands of Cushnie and Madlar, given in presence of the principal Sheriff on 6 Octr. 1590. The following suitors were admitted :—David Straquhan for the parson of Kincardine O'Neill. Gilbert Guthrie, Younger, for the Laird of Streichin. David Symesone for the Laird of Tilligovnie. Alexr. Mollysone for George Creichtoune of Frendraucht. Walter Hay in Middiltoune for the Laird of Middiltoun—Hay. Alexr. Smyth in Culter, for the Laird of Culter. James Rayne, burgess, for the Laird of Cushnie. George Elphinstoun, Saidlar, burgess, for the Laird of Petcappill.

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1600.  
Jany. 6.     **Head Court.** 67 barons fined. The Prior of Monymusk protested that his being present was not to prejudice his right to absent himself in future. David Lyoun, apparent of Belhelvie, protested on behalf of Lord Glames that his Lordship should not be fined, as he was at a Convention, and also that the greatest part of his lands was in other Sheriffdoms. David Straquhan, Sadler, was admitted suitor for Wm. Straquhan of Glenkindie, while Thomas Douglas, as suitor for the Lands of Kemnay repeated the Lady of Kemnay's protest made at last Court.
- April 1.     **Head Court.** 79 barons fined. William Turing of Foveran protested that he owed only one suit at the Court, and produced an evident granted by King David<sup>1</sup> on June and of his reign the 29th year. Robert Garioche was admitted suitor for the Laird of Brux.
- Sept. 30.     **Head Court.** 90 barons fined. Adam Weir, Messenger, admitted suitor for the Laird of Kinnaird's lands of Maymie.
1601.  
Apl. 21.     **Head Court.** 82 barons fined. Robert Garioche, suitor for Gilbert Mengzeis of Petfodels and Walter Innes for Mr. George Setoun's lands of [Shethine].
- Octr. 6.     **Head Court.** 81 barons fined. Mr. Richard Irving of Hiltoun, burgess of Aberdeen, admitted one of the Sheriffs depute and sworn in.
1602.  
Octr.         **Head Court.** 67 barons fined. John Leslie of Balquhain produced an infetment of William Leslie of Balquhain, with a holding from the Crown in ward and relief and for giving one common suit in the Sheriff Court, dated at Edinburgh 23 July 1511 and admitted in Exchequer at Linlithgow on 12 August 1530, as evidenced by the signature of Gawane Dunbar, Clerk Register for the time. The Sheriff depute admitted the laird's claim. A number of suitors admitted.
1603.  
May 3.       **Head Court.** Mr. Richard Irving on the bench. 86 barons fined by the "Lord Shref depute." Arthur Setoun, suitor for Mr. George Setoun of Shethine.
- Octr. 4.     **Head Court.** 76 barons fined. There was produced on behalf of Alexr. Annand of Auchterellon, a new Crown Charter of his lands dated 24 March 1603, the obligation under which was to give one suit in the Court and no personal presence. A number of suitors admitted.
1604.  
Apl. 16.     **Head Court.** 69 barons fined. Alexr. Chalmer admitted suitor for James Setoun of Petmedden, for his lands of Craig and Bourtie.
- Octr. 2.     **Head Court.** 66 barons fined. Both Gordon of Bogs and Mr. Richard Irving of Hilton occupied the bench at this Court. Hucheon Ross was succeeded in the office of Doomster by Patrick Leslie.

1 Presumably David II., Circa 1358.

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1605.  
Jany. 8. **Head Court.** 63 barons fined. Mr. Andrew Clark appeared as procurator for John Forbes of Petsligo and protested that "he be frie of the unlaw for nocht giffing sute and presens for his lands of Petsligo, Mekill Wardress and Lethintie in respect of his infestment Act of Court extractit furthe of the Shreff Court buiks of Abd. and Decree of the Lords interponit thairto quhilk the said Mr. Androw produceit and tuik upe instantlie agane."
- Octr. 1. **Head Court.** 64 barons fined. Both Sheriffs depute on the bench. Alexander Buchane of Auchmacoy produced title to the lands and barony of Auchmacoy under the great Seal 11 March 1603, defining his obligations respecting Courts, and presented Thomas Buchane in Litill Auchmacoy as his suitor. Mr. Andrew Clark produced Decree of the Lords dated 22 Jany. 1601, exempting John Forbes of Petsligo from suit and presence at the Sheriff Courts of Aberdeen. A number of suitors admitted.
1606.  
Jany. 7. **Head Court.** 57 barons fined. Both Sheriffs depute on the bench, the name of Gordon of Bogs being, as usual, placed first. Mr. John Cheyne of Petfichie presented Mr. Arthur Watt, Advocate, as suitor for the Laird of Essilmont.
- Apl. 29. **Head Court.** 68 barons fined. Mr. William Barclay, Procurator for Lord Glames produced an Extract Decree of the Lords of Council, dated 6 March 1606, by which Lord Glames was made free of suit or presence at the Aberdeen Sheriff Court for his lands and barony of Balhelvies, Ardendrett, Collistoun, Curtestoun and Drumgowan, they being parts and pertinents by annexation, of the Thaynedome of Glames in the Sherifffdom of Forfar. By the decree the Sheriff of Aberdeen and his deputies were charged "to desist and ceis fra all calling and poynding of the said Lord Glames" &c., &c.
1607.  
Apl. 14. **Head Court.** 76 barons fined. John Forbes in Auldmill appeared for Alexander Burnat of Gask and produced Crown Charter of the lands of Gask, Brigend and Cragytocher, dated 5 June 1605, the terms of which are here fully described, claiming exemption from all suit or presence at Sheriff Courts.
- Octr. 6. **Head Court.** 75 barons fined. A large number of suitors admitted.
1608.  
Octr. 4. **Head Court.** 87 barons fined. The Sheriffs depute presiding were John Gordoune of Tulligraig and Mr. Richard Irving. Mr. Alexr. Irving appeared as procurator for John Forbes of Petsligo and produced royal letters charging the Sheriff and his deputies, in terms of a Decree of 22 January 1601, not to fine Forbes but to free him from attendance at Head Courts.
1609.  
Jany. 10. **Head Court.** 82 barons fined. Gilbert Thomsone, burgess of Aberdeen, admitted and sworn in as suitor for James Grant of Invereinan.
- Octr. **Head Court.** 86 barons fined £40 Scots each. A number of suitors admitted.
1610.  
Apl. 17. **Head Court.** 81 barons fined. Robert Gareauche, Messenger, admitted suitor for the Lairds of Essilmont, Arnage and Bahagartie.



## Aberdeenshire Sheriff Court :

- <sup>1610.</sup>  
Octr. 2.     **Head Court.** 78 barons fined. A number of suitors admitted. Mr. Robert Paip, Procurator for James Gordone of Lesmoir, produced a ticket subscribed by the Marquis of Huntly at Stirling on 23 January 1510, discharging Lesmoir and his late father, Alexander Gordone of Lesmoir of all fines bygone and to come, inflicted for non-attendance at Head Courts until the ticket should be discharged.
- <sup>1611.</sup>  
Jany. 8.     **Head Court.** 82 barons fined. Robert Gariaucher acted as Sheriff depute at this Court according to the heading ; but the admission of a suitor for Alexr. Keith of Balmure for his lands of Logyruff on the same day is said to have been in presence of John Gordoune of Tilligreig, one of the usual deputies.
- <sup>1612.</sup>  
Jany. 7.     **Head Court.** 67 barons fined. The presiding deputies were now John Gordoune of Lentusche and Mr. Richard Irving.
- Apl. 21.     **Head Court.** 64 barons fined. John Gordoune of Lentusche and Mr. Richard Irving being on the bench, the former styling himself principal Sheriff depute and claiming to have power to create Sheriff deputies under him, appointed Mr. Alexr. Jaffray of Kingiswalls a Sheriff depute in all causes civil and criminal during pleasure. Mr. Jaffray, being present, accepted office and was sworn in.
- Octr. 6.     **Head Court.** 45 barons fined. A number of suitors admitted.
- <sup>1613.</sup>  
Octr. 5.     **Head Court.** 76 barons fined. At this Court all three Sheriffs depute, viz. : John Gordoune of Lentusche, Mr. Richard Irving of Hiltoune and Mr. Alexr. Jaffray of Kingiswalls were on the bench. A number of suitors admitted.
- <sup>1615.</sup>  
Octr. 3.     **Head Court.** It is impossible to summarize the Minutes of this Court. The entries of suitors and the lairds fined are mixed up together. It would appear that an election of Commissioners to Parliament and General Conventions should have taken place, for the Sheriffs depute protest against being held in default for the failure of the barons. The fine for absence on this occasion and subsequently is stated at £50 Scots each. This is the last appearance of John Gordoune of Lentusche for two years.
- <sup>1616.</sup>  
Octr. 1.     **Appointment of Sheriff Depute.** The Marquis of Huntly held a sitting for the appointment of James Gordoune of Knokespok as his depute, during pleasure, with power to create deputies under him.
- Head Court.** The Marquis along with Knokespok now held the Michaelmas Head Court, of which the proceedings are given in the Illustrative Examples of this volume. John Leslie, fiar of Balquhane and Mr. John Cheyne of Arnage were chosen Commissioners to Parliament and General Conventions.
2.     **Appointment of Sheriff Deputies.** Knokespok sat and created Mr. Richard Irving and Mr. Alexr. Jaffray deputies under him during pleasure.
- 1 Probably the same individual who is elsewhere called a Messenger.

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1617.  
Jany. 7.      **Head Court.** John Forbes of Petsligo appeared by Mr. Wm. Barclay and claimed exemption from suit or presence. The claim was opposed by the Sheriff, for whom Mr. Robert Paip appeared. The depute (Knokespok) took the matter to avizandum. The name of Margaret Mackintosche, Petsligo's mother-in-law, occurs in the entry.
- Sept. 30.      **Head Court.** The Marquis of Huntly sat along with Knokespok and Jaffray. An unusually long list of suitors presented.
1618.  
Jany. 13.      **Head Court.** John Gordoune of Lentusche re-appeared on the bench.
1619.  
Jany. 12.      **Head Court.** Mr. Wm. Paip sat as a Sheriff depute along with Lentusche. A claim by Alexr. Keith to be freed from suit and presence for his lands of Logieruif was rejected by the Court and he was fined for absence "in respect he hes nather land nor residence bot within the Shrefdome of Abd."
- Apl. 6.      **Head Court.** John Gordoune designed of Lytill Gowill presided as Sheriff depute. Keith of Logyruif again claimed exemption and was again fined, and this occurred regularly in subsequent Head Courts.
- Octr. 5.      **Head Court.** A large number of suitors admitted.
1620.  
Octr. 3.      **Head Court.** Gordon and Paip presided. James Gairdine of Blakfurd, one of the portioners of Auchterless, produced a Charter of Novodamus under the Great Seal dated 4 July 1617. For the first time the sentence of fine is signed, the signature being that of Mr. Wm. Andersone the Sheriff clerk.
1621.  
May 1.      **Baillie Court—Lease of the office of Sheriff Depute.** Mr. David Rutherford, the Provost, along with Baillies Thomas Forbes, Robert Johnstoun, Gilbert Cullen and John Mortimer presided. Mr. Anderson, the Sheriff Clerk, produced a gift and letter of tak of the office of Sheriff depute granted by the Marquis of Huntly to Mr. Robert Gardyne of Kynnadie, dated at Huntly 26 April 1621, for the space of five years thereafter. Gardyne accepted office and was sworn in. The rent payable by him to Lord Huntly is not disclosed.
22.      **Appointment of Sheriff Depute (Imperfect).** The Marquis of Huntly and James Gordon of Knokespok on the bench. The principal Sheriff continued Knokespok as his depute until Michaelmas next; but the volume comes to an end in the middle of the entry.

## Illustrative Example taken from Vol. VI. of Diet Books

### A Michaelmas Head Court

Curia Capitalis Vicecomitatus de Abd. tenta in pretorio eisdem primo die mensis Octobris anno domini millesimo sexcentesimo decimo sexto per nobilem et prepotentem dominum Georgium Marchionem de Huntlie, comitem de Engzie dominum Gordoun et Badzenocht &ca vicecomitem principalem de Abd. et Jacobum Gordoune de Knokepak vicecomitem deputatum dicti vicecomitatus pro tribunali sedente sectis vocatis in curia legitime inchoata et affirmata

The said day compeirit the barronis & friehaldars undir writin of the said Shrefdome and presentit the suteors eftir specifeit quha was admitit be the said Shreffis as suteors for thame to the nixt Michelmes Court: Viz Alexr Jaffray burges of Abd. suteor for Arthor Lord Forbes Thomas Daidsonne In Auld Abd. suteor for the Laird of Udnie, Wm Blakhall maltman suteor for the Laird of Auchterellone Mr George Bisset suteor for the Laird of Toux and Petfour, Alexr Burnet burges of Abd. suteor for the Laird of Carveichin & Rattray and for Balmaid: Johne Craufurd Messinger suteor for the Laird of Brux: the Laird of Balhagartie, the Laird of Brackey Middiltoun: for the Laird of Lessindrum producit ane actornay: and for the Laird of Auchtercoull: James Tailzeour suteor for the Laird of Boquhollie: and for the Laird of Bourtie and Craig, Alexr Watson Messinger suteor for the Laird of Udoche Cowpland presentit ane actornay: and for the Laird of Cultir & Carnie George Elphingstoun suteor for the Laird of Towie Barclay the Laird of Petcappill: the Laird of Glenkindie, the Laird of Madler: and he to produce his halding the nixt heid court, George Wmsone baxter suteor for the Laird of Schethine & Orchartoun, Gilbert Thomesone suteor for the Laird of Tilligounie: Wm Blakhall, maltman burges of Abd suteor for the Laird of Blakhall: Gilbert Skeine suteor for the Laird of Auchlewine, Gilbert Guthrie suteor for the Laird Drum, Johne Barcar suteor for the Laird of Skeine & the Laird of Balnacraig Chalmer; Daid Aidie suteor for the Laird Echt: Thomas Burnet burges of Abd suteor for the Laird of Lenturk: and for Waster Corss. Patk Leslie suteor for Alexr Skeine of Colquhorsie: Gilbert Blak cowper burges of Abd suteor for the Laird of Garnastoun, the Laird of Caskieben and for Mr James Forbes of Knappernay for his lands of Wodland and Tillimad: Gilbert Guthrie

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suteor for the Laird of Barrache : Wm Sengzeor suteor for Wm Leslie of Litill Follay : Thomas Daudsone suteor for Alexr Spens of Boddum : Wm Kay for Johne Leslie of Ardoyne & Buchanestoune : Thomas Mollysone suteor for Barnis Forbes : Thomas Daudsone suteor for Barnis Leithe : Thomas Daudsone suteor for Fynnerseis Wod : Ronald Chessar suteor for Wm. Setoun of Disblair for his pairt of Logieruif

The said day Gilbert Reid fiar of Litill Drumquhenddill producit ane euident & chartor of Confirmatione of the saids lands haldin of his Maiestie quhairanent the Shreff tuik to be adwysit quhill the heid Zuill court nixt to cum quhilk euident be tuik upe agane

Andrew Gray suteor for the Laird of Petsligo him self absent his said suteor protestit he suld be frie In respect the said Laird of Petsligo as he allegit had ane blenshe halding of his saids landis quhilk he was ordanit to produce at the nixt Michelmes

The laird of Iden present allegit he had ane blenshe halding of his lands quhilk he was ordanit to produce the nixt court

The said day the Laird of Leslie and Edingairak was ordanit to produce his euidents of the saids landis the nixt court quhow the same is haldin

The said day the Laird of Wardess was ordanit to produce the haldin and Infetment of his lands the nixt Court.

It is ordanit In all tyme cuming that na member of Court be ane suteor ; and that na man compeir as suteor bot for thrie barronis at the maist : and that they be sufficient qualifeit personis abill to pas upone ane assiss

The said day Wm Duguid of Auchinhuiff presentit Williame Barnet his suteor

Compeirit Johne Craufurd, Messinger as suteor for Gordoune of Halheid quha was admitit quhill the nixt Michelmes Court : and for the Laird of Johnesleye sic lyke

The said day comperit Johne Leithe of Harthill and George Leithe portionar of Bairnis and producit Judicialle In presens of the said nobill Lord ane discharge grantit to thame be his Lo/ of thair unlawis be reasoun of thair absens In thair awin personis & of thair suteurs frome the heid courts of the said Shrefdome of all yeirs preceeding the dait of the said discharge and forder In tyme cuming Induring his Lo/ will and plessour quhilk discharge subscryuit with his Lo/ hand of the dait at Tillichodie the threiteine day of August the yeir of God I<sup>m</sup> sex hundrethe and ane yeirs : The said Johne Leithe delywerit In his Lo/ awin hand :



## Aberdeenshire Sheriff Court :

and acknowlegit be his Lo/ to be of veritie : and discharged the saids Johne and George Leithes of thair saids unlawis for thair absens as said is fra all courts preceeding this present court and of all lettirs & chargis raisit or to be raisit thairupone : And declarit his Lo/ will was that they be thame selffis and thair suteors suld keipe the saids heid courts in all tyme cuming sa far as they ar astrictit to do : quhairupone the saids Johne and George Leithes tuik and askit act of Court and Instrument

### Absentis

Are-pus St Andree	D.p.et.s.
Ab. Aberbrothok	D.p.et.s.
Ab. of Kinloss	D.p.et.s.
Pryor of Monymusk	D.p.et.s.
Minister of Trinitie freirs	D.p.et.s.
Rector de Kincardine	D.p.et.s.
Co/ Errolli	D.p.et.s.
Co/ Mariscalli	D.p.
Co/ Buchanei	D.p.et.s.
D. Elphingstoun	D.p.
D. Glames	D.p.et.s.
D. Sinclair	D.p. James Findlay producit ane Actornay for Dame Elizabeth Forbes Ladie Sinclair and George Hamiltoun of Blakburne
D de Phillorthe	D.p.et.s.
D de Maynie	D.p.et.s.
D de Fouereine	Andrew Gray his sutior present quhilk he is onlie obleist to do
D de Streichine	D.p.
D de Delgatie	D.p.et.s.
D de Drumbrek	D.p.et.s.
D de Essilmont et Abirdour	D.p.et.s.
D de Comalegie	D.p.et.s.
D de Fortrie	D.p. Jon Lyndsey his scrutor his suteor present

Compeirit James Mowat and producit ane Actornay for Alexr Keith of Balmure for his pairt of his lands of Logiruif and Mostoun : quha was admitit suteor for him to the nixt Michelmes Court, him self absent & the rest of the portionars of the saids lands present

D de Haddo et Meithlik	D.p.et.s.
Constabill of Abd	D.p.et.s.
D de Petfoddells	D.p. Johne Menzes his suteor present
D de Muchell et Staniewod	D.p.et.s.

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D	de Beltie Frassr	D.p.et.s.
D	de Tillihaikie	D.p.et.s.
D	de Lumphannandet Craigour	D.p.et.s.
D	de Perk of Cremond	D.p.et.s.
D	de Fischerie	D.p. Thomas Cuming In Auld Abd

compeirit suteor for him

The said day the hail barrownis and friehaldars aboue writtin absent fra this court being the heid court ar americiat & decernit to pey for the absens of ilk ane of thame selffis and for thair suteors respective the sowme of fiftie pounds Scottis money being thrie seuerall tymes callit at the tolbuthe winddow & nocht compeirand lauchfull tyme of day being biddin quihlk was gifin for dome be the mouthe of Patk Leslie dempster

The said day Mr George Bisset mair of fie of the said Shrefdome presentit Johne Gordoune in Strathbogie to be deput to him quhome the said Shreffis admitit as mair deput ay and quhill he was dischargit lauchfullie quha acceptit the said office In and upone him & gaiwe his aithe de fideli administratione quhairupone he tuik act of Court and Instrument

The said day the barrownis and friehaldars under writin being convenit within the tolbuthe of Abd at this court as the heid Michelmes Court according to the ordinance of the Act of Parliament maid anent the electing of comissionars of small barrownis and friehaldars to haif woit In Parliament viz.

Alexr Irving of Drum	Magnus Mowat of Boquhollie
Jon Urquhart of Craigfintray	Johne Leslie of Wardess
Alex Gordoune of Cluny	Mr Jon Cheyne of Arnage
Wm Forbes of Tolquhone	Johne Forbes of Brux
Jon Setoune of Meldrum	Johne Leslie of Petcappill
George Jonstoune of that Ilk	James Gordoune of Knokaspak
Pa Gordoune of Kincraigie	Alexr Cuming of Cultir
Jon Erskine of Balhagartie	Mr George Setoune of Barra
Alexr Skeine of that Ilk	Jon Forbes of Gask
Jon Gordoune of Craigie	John Gordoune of Awachie
Thomas Meldrum of Iden	
Rot Cowtis of Auchtercoull	

Quha electit and chuisit Johne Leslie fiar of Balquhane and the said Mr Johne Cheyne of Arnage thair comissionars coniunctlie for keiping of Parliamentis and uthers his Maiesties generall conventionis that suld happin to be befor the nixt Michelmes Court

## The Diet Books: Vol. VII., 1603-4

No one of the whole series is more unmistakeably the actual original Diet Book of Court, for the time, written by the Clerk in Court, than this. It contains every kind of business civil and criminal, but it has been so hastily penned that few of the books are more difficult to read. A few leaves are evidently wanting at the beginning. If they had not, it would doubtless have been found that the first entry would have been that of the Yule Court on 11th January, 1603. As it is, the earliest date is 16th February. The latest entry is a mutilated record of the Michaelmas Head Court held on 2nd October, 1604. The fashion of the entries on ordinary Court days is on the same principle as at present, except that the roll is not, as now, classified under headings. Each case is separately entered in the body of the page, with a short mention of the purpose of its being on the roll, and the order of Court is then briefly stated on the margin against it. Both the entries in the roll and the marginal notes are so abbreviated as to be very difficult to make out. Interposed between the entries of regular proceedings in civil cases in Court are Acts of Caution,—some of them signed—Criminal trials, Services, Transumps, Head Courts, and what is a special feature of this particular book, Courts of Justiciary for the trial of several cases of what we would now call salmon poaching.

Most of the proceedings recorded here are, for the period to 23 June, 1603, transferred in more full and accurate form into the Volume next noticed; but some are not, and the prosecutions at that period for fishing salmon in the Dee and Don in close time already referred to, would have been lost, apart from the existence of this very rough record of them.

There are some half-dozen of such cases, the bench consisting of John Gordon of Bogs the Sheriff depute, Provost Alexander Rutherford of Rubislaw, and one or more of the Baillies of Aberdeen sitting as Justiciars specially constituted in terms of Act of Parliament. The accused were tried by juries whose numbers apparently varied from 13 to 25. In some of the cases the numbers charged with the slaughter or

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receipt of black fish in forbidden time is so great as to suggest that the whole male inhabitants of a district were engaged in it.

Some surprise and disappointment was caused to the writer by the discovery that very few examples of criminal trials were to be found in these records. In some of the books, especially those which are found soon after this date containing judicial enactments, there are numerous Acts of Caution to enter accused persons for trial; but of trials in the 16th and 17th centuries almost none are found except in this volume and one or two others.

Fortunately we have here several examples of these and of the various punishments which were inflicted—decapitation, hanging, drowning, scourging and banishment from the county. In no case has a smaller number than 15 been found on a jury, but in one case 23. On one occasion only 13 jurors attended, and the case was adjourned. In the one reported case of decapitation the crime was really murder—though entitled manslaughter of fore thought—which was one of the pleas of the Crown and could only be tried by the Sheriff when the culprit was taken and brought before him red-handed. These conditions were satisfied on this occasion, inasmuch as the crime was committed in the Gallowgate on Sunday, 28 July, 1604, and the trial took place on the following day. The perpetrator, whom the Sheriff depute “ordanit to have his heid tane aff,” was Robert Guild, “son naturall to umqll Wa Guild armorar,” and therefore in all probability a near kinsman of the well known Dr. William Guild, principal of Marischal College, of Jameson the Artist, and of the Gregories.<sup>1</sup>

It may be further noted that this is the earliest book in which any record of the sittings of the Sheriff's Fiars Court are found.

<sup>1</sup> According to the Jameson Pedigree in Mr. John Bulloch's Biography, William Guild (probably the person here mentioned) the son of Matthew, and the elder brother of the Principal, met a violent death in 1584.



## Table of Contents of Vol. VII. of Diet Books

1603.  
Febry. 22.     **Sheepstealing, &c.** John Kid, indweller in Auld Abd. and John Litaljohne at Justice Mills, were charged with Sheepstealing, &c. There were eight charges against Kid and five against Littlejohn besides the charge of being "commone theiffis and briganes" which applied to both. Being found guilty of most of the charges the sentence is thus entered:—"The Shreff ordanit the saids persones to be drownit foir thair demereits." The jury numbered 23, all living near the places where the different acts were said to have been committed, and the verdict was signed by Henry Mowtray in Perwinnes, the Chancellor.
23.     **Housebreaking.** Isobell Robertstone, natural daughter of Henry Robertstone, confessed that she and one Meatie Boige had been put in at house windows to steal.
- March 2.     **Removing.** Mr. Alexander Setoune v. John Mowat at the Mill of Kindrocht. Mr. Setoune borrowed up his Sasine and signed receipt in the Diet Book.
5.     **Housebreaking.** The son of John Porteous, dwelling at the Abbey of Deir, and Janet Cumming, his wife, were charged with housebreaking, &c. The record bears that the accused were charged on dittay given up by George Frenche in Cuithill, a private prosecutor. In this case there were 15 of a jury, obviously selected from the immediate neighbourhood of the alleged crimes, the Chancellor (who signs) being John Dalgardnocht in Deir. There was a conviction on three points of dittay and of the charge of habit and repute, and the sentence against the accused and their family was banishment from the Sherifffdom, under pain of hanging of the man if he came back, which he was made to swear solemnly he would never do.
8.     **Assault—Blood-drawing.** Walter Woid of Fetircarne, for whose appearance this day Mr. Duncan Forbes of Bannagask had become surety, was charged with the hurting, wounding and blood-drawing of Wm. Gray, his servant. As neither the accused nor his cautioner appeared "my Lord Shreff deput" ordained the latter to be fined according to the Act of Parliament.
9.     **Theft—Failure to Prosecute.** Wm. Wat in Glenkyndie, for whose appearance this day Wm. Straquhan of Glenkyndie had become surety, had been charged with stealing a doublet from a servant of Mr. John Cheyne of Petfichie. In addition to the absence of a prosecutor, it was avowed by one Patrick Gordon at the Kirk of Cluny, who was in Court, that he had taken the doublet and that it was his own at the time he took it. Case continued until new citation.
- April 15.     **Assault—Act of Caution.** Adam Joffray in Corteyis. Mr. Wm. Reid [a procurator of court] became bound to enter Joffray for trial on a charge of "striking and dinging of John Symsons messenger" and also that his arrested geir should be forthcoming.

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1603.  
April 15. **Mill Multure.** John Leyth apparent of Harthill *v.* the late Duncan Lesly of Petcaple, Geo. Lesly of Auld Craig, Wm. Lesly of Tocher, James Stewart of Rothmais, James Arbuthnot and their colleagues. The Pursuer granted and signed a receipt in the Diet Book to the effect that he had "resauit furthe of proces his haill writtis contenit within tua [?] Traistis producit be him and his procuratours."
16. **Assault—Blood-drawing.** Paul Ray in Belhelvie *v.* Andrew Sangster in Bannaketill were charged with Assault, &c. Both accuser and accused gave the oath of calumny that their cause was just and the case was continued for trial, Wm. Forbes of Tolquhon being cautioner for Sangster's appearance under a penalty of £40. On 25 May accused appeared but no accuser, the case having been settled.
- May 4. **Assault—Blood-drawing.** The Procurator Fiscal, Leslie of that ilk and others *v.* Bartholl Leslie and others. James Hervie, son of Andrew Hervie of Elrik, who had become cautioner to enter the accused for trial, did not appear, and was fined, with the saving clause that if he entered them on 31 July he would be free. On the margin opposite this entry there is written "Penultimo July 1603 The Shreff finds this act satisfait and absoluis the cautioner from the unlaw for nocht entering of the party. J. Gordone Shref deput of Abirden." (*Vide* pp. 35, 45 *infra*.)
- June 30. **Invading Dwelling-house.** The Procurator Fiscal (Mr. Wm. Barclay), Andrew Leslie in Balhaggartie and John Erskine his servant *v.* Thomas Smithe Merchand, Ardlathin, for whose appearance George Hay of Ardlathin was cautioner. The accused was charged with the armed invasion of a dwelling house under cover of night and with wearing fire-arms, shooting at and wounding a man. The Fiscal departed *pro loco et tempore* from the charges other than that of "beiring, wering and useing of pistollis," with regard to which Andrew Leslie appeared as informer and took the oath of calumny. A jury, all drawn from the immediate neighbourhood, was impanelled, but the trial was not proceeded with and the jury were continued. Thereafter Thomas Smith, the accused, offered to submit to the decision of Mr. Richard Irving of Hiltoun, the Sheriff depute, whose decision should be final as to the amount which he should pay to John Erskine, whom he had wounded. Mr. Irvine accepted the reference, his decision to be given before 14 July, and accused found caution for 500 merks to appear on that day. On that day letters of advocacy were produced, and on 23 July Patrick Forbes, burgess, was cautioner in 500 merks for Smith's appearance should the case be remitted back to the Sheriff Court.
- July 6. **Judicial Confession.** Patrick Dunbar sometime of Sanchar appeared, and on the plea that he wished to disburden his conscience, stated that some ten years before he had, at the request of Sir George Ogilvy of Dunlugus, signed and delivered to the latter in Sir George's house at Banff eight "blankis," which were designed to be filled up for the benefit of Patrick's son Walter. Dreading that these might have been used to the prejudice of rights granted by him and his late wife, Elspet Ogilvy to the late Mr. Thomas Mengzeis, of the third part of Durne and third part of Bogmochillis, or to securities made by him to the late James Dunbar of Tarbet, he made this declaration and confession. Thomas Mengzeis of Durne was present in Court, and Dunbar and John Gordone of Boggis, the Sheriff depute, both signed the entry.

## Aberdeenshire Sheriff Court :

1603.  
July 7.     **Carrying and Using Fire-arms.** Thomas Gilpatrik, for whom Thomas Adam-  
sone had been cautioner, were charged with carrying and using fire-arms. Gilpatrik  
appeared and Adamsone was declared free of his cautionery. The accused was then  
bound, under pain of £1000, to appear and take his trial upon six days' notice if within  
the realm when cited.
23.     **Theft.** James Nicoll, charged with theft, was banished from the Sheriffdom and  
to be hanged without trial if he returned.
28.     Nature of Action not disclosed. John Erskyne, fiar of Balhaggartie *v.* Walter  
Mernis in Innerramsay. Defender offered defences, but on Pursuer's Procurator pro-  
ducing a horning against him decree was pronounced.
- Augt. 6.     Nature of Action not disclosed. The Earl Merschell and Alexr. Keyth *v.* Andrew  
and Alexr. Fettes. After a dispensation for proceeding in time of harvest had been  
produced, commission was granted to the Sheriff Clerk and his depute to act as Sheriff  
depute and Sheriff Clerk to take the oaths of the Pursuers at Fetteresso.
- Tutory.** By gift under the Quarter Seal dated 28 July John Andersone in Dennis  
had been appointed Tutor Dative to John, Jellis and Margaret Jamesone, lawful children  
of James Jamesone at the Mill of Bruxie. He now took the oath and found Wm. Jack,  
Notary Public in Deir, as cautioner for him.
10.     **Cognition.** John Gordone of Tillaquhowdie *v.* Robert Carnegy of Waster  
Kincardin. The Pursuer produced his Sasine of Tillaquhowdie and Outseat of croft  
called Tillibrein in the Barony of Aboyne, dated 23 Novr. 1601 and duly registered.  
Notary Alexr. Middleton. On an objection that it was vacation, the Pursuer produced  
a dispensation, whereupon defences were ordered to be lodged next day. On the case  
being then called the Defender, now designed of Kirkcounie of Aboyne, produced  
Letters of Advocation.
20.     **Lawborrows.** Patrick Irving *v.* John Ross of Auchlossin, Robert his son, and  
Patrick Ross, son of Nicoll Ross, Yr. of Auchlossin. Nicol Ross became cautioner  
that complainer should be kept harmless.
26.     **Lawborrows.** The Rosses as above and others *v.* Patrick Irving. John Irving  
of Artamfurd was cautioner for Patrick Irving.
- Sept. 3.     **Lawborrows.** Patrick Irving *v.* Peter Irving in Carnbady, Andrew Farquhar  
there, Wm. Downie in Hiltoun, and a number of others (names and designations  
almost illegible). Nicol Ross was cautioner here.
- Oct. 4.     **Charge of Murder.** Gilbert Sym, at the Mill of Fouern, was under accusation  
of murdering Wm. Elmsly, son of the late James Elmsly in Mynnes. He now produced  
his alleged victim in Court, who being identified on oath by his own mother, Sym was  
declared innocent.
5.     **Removing.** Wm. Keyth of Pettindrum *v.* Alexr. Forbes of Gellan and others.  
This day had been assigned for the defenders to find caution. Decree passed in respect  
of their failure to do so.

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<sup>1603.</sup>  
Novr. 8. **Decree for Rent.** John Gordoun of Carneburrow *v.* John, George, and Thomas Conan in Ballantimoir in Glenbucheat. John Conan confessed that he was due for a quarter lands of Ballantimoir crops 1600-1-2, 310 merks. George for another quarter admitted 445 merks for crops 1599-1600-1-2, while Thomas admitted for half a quarter 210 merks for crops 1600-1-2.

**Decree for Price of Grain.** John Gordoun of Carneburrow as assignee of Thomas Gordoun of Arclache *v.* John, George, and Thomas Conan in Ballantimoir. Each defender admitted being due 80 merks for corns bought and received from Thomas Gordoun.

9. **Action of Cognition.** Wm. Forbes of Monymusk *v.* Wm. Forbes of Corsindey. The Pursuer produced (1) Sasine of the Barony of Monymusk and burgh thereof, dated 7 March 1588; Notary Mr. Robert Youngson. (2) Sasine of the lands of Inver, Ardneidlie, Petmovny and Over mill of Monymusk, dated 8 March, 1590; Notary James Murray. And (3) Sasine of Abirsnuthak, Tombeg, Dillab and Tillaquhorie, dated 14 June 1589; Notary Mr. James Forbes. On his behalf a motion was made to remit to a jury. The Defender on the other hand asked the Sheriff to assign him a diet for lodging defences. To this the Pursuer objected and produced a horning at the Pursuer's instance against the Defender duly registered and executed. The Sheriff having ordered the horning to be there and then seen by the Defender, objections were taken and answered. In the end the Sheriff admitted the libel to the knowledge of an assize.

Decr. 14. **Judicial Ratification.** Isobell Rossy, wife of Patrick Butter of Elrick, ratified a Contract made in 1602 between her husband and George Gordoun, fiar of Gicht, and Disposition of the lands called the Ward of Kinmundy in the parish of St. Machar and Sasine following thereon.

20. **Judicial Ratification.** Agnes Straquhan, wife of John Gordoune of BreKay, ratified a conveyance of the lands of BreKay and Glassache in Logiedurno and Inverurie in favor of James Gordoune younger of BreKay and Sara Leslie, his intended wife, in conjunct fee and liferent, in terms of their marriage contract.

<sup>1604.</sup>  
Jany 10. **Assault—Blood-drawing.** Allister Tailzeor in Lynardoche *v.* Allister Tallzeor in Coull. The accused having sworn that he could not find caution to appear was simply bound down to appear on Candlemas Even. When the case was called on Febr. 1 the Pursuer of the blood produced two witnesses, who were both repelled and accused bound over to appear on 22 Febr., under pain of £40. The assault was said to have been committed "with ane durk upone the left paipe in the moneth of Julii last."

**Lawborrows.** Jas. Chessor *v.* Alexr. Tailzeor. Cautioner James Hall.

12. **Curatory.** Wm. Chalmer, son and heir of the late Mr. Wm. Chalmer, portioner of Disblair. The next of kin called were John Chalmer of Balbithane, George Chalmer, fiar of Balbithane, Charles Chalmer of Tillikirie, Henry Chalmer of Buchanstoun and John Lesly of Petcapill. The minor chose John Chalmer, elder of Balbithane, for whom Alexr. Gordoun, elder of Lesmoir, became cautioner.



## Aberdeenshire Sheriff Court :

1604.  
Febry. 23.

**Killing Salmon in Forbidden Time.** This is the first of a number of prosecutions noted in this volume. The Courts were held by justiciars appointed for the purpose, of whom a Sheriff depute was always one and first named. In this instance Provost Alexander Rutherford of Rubislaw and Baillie Wm. Lowsone were the others. A large number of persons in Kincardine o'Neil, Birse, and therabouts were accused. All the accused who appeared were acquitted. By far the greater number did not appear and were decerned fugitive, and ordained to be put to the horn. At the head of the latter list was John Burnat of Sluye.

24. **Killing Salmon in Forbidden Time.** The accused in this case were fewer and chiefly from near Aboyne, among them being John Gordoune of Tillaquhousy and Robert Carnegie of Kirktown. Wm. Troup of Balnacrag pleaded guilty, and had to find caution to pay his unlaw and also for his tenants and servants behaviour under penalty of £100. Those who did not appear to be put to the horn.

**Killing Salmon in Forbidden Time.** Andrew Davidson in Belvad appeared separately, pleaded guilty, and was fined, for payment of which and his future good behaviour Robert Steuart, burgess of Abd. was cautioner under penalty of £40.

- March 10. **Killing Salmon in Forbidden Time.** In this case about 100 persons were cited from Nether Dee and Feugh sides. Some were acquitted, some convicted, and those who did not appear declared fugitives and denounced to the horn. Among those convicted were John Burnat of Sluie and four other Burnats. There were also three Straquhans. The jury numbered 25, of whom part were from Aberdeen and the others from Deeside. Among the latter were John Irving of Kincowsy (Chancellor), John Collistoun of Auchloones, John Irving of Sunnyside, Robert Hog of Gellane, Alexander Davidsoune of Brigend. For a good many of those convicted caution was found, and among the cautioners were several of the jury. For Burnat of Sluie and Alexr. Burnat younger of Kinneskie, Alexr. Joffray, burgess, was cautioner. Four Baillies were on the bench in addition to the Sheriff depute and Provost, viz. : David Menzeis, David Rutherford, Thomas Forbes and William Lowsone.

13. **Killing Salmon in Forbidden Time.** A number of persons on Upper Deeside, Glenmuick and Glengairn were accused on this occasion, but some pages were left blank to complete entry and never written up.

14. **Lawborrows.** John Smith in Maryculter v. David Kempt Baxter, burgess of Abd. Cautioner Mr. Andrew Clerk.

17. **Special Service.** (*Inq. Spec. Abd. No. 93.*) George Meldrum, elder of Ardfork, as heir of entail to George Meldrum, younger of Ardfork, his son. Shadow half lands of Ardfork in Bethelny. Held of George Meldrum, elder, in feu farm. In non-entry since death of predecessor in Sept. 1603.

19. **Fiars Court.** The earliest found. The jury are here called "famous witnesses."

## Diet Books : Vol. VII., Contents

1604.

March 21.

**Assault—Blood-drawing.** John Watsone, Lax fisher in Auld Abd. v. Adam Banerlay in Auld Abd., Agnes Chalmer his wife, and Alexr. and Patrick Barnat there. (*et e contra*). Bauerlay produced an act of the Court of Auld Abd. proving that he had been convicted of the offence by the Baillies there ; but the Sheriff depute ignored it, and convicted Bauerlay and the Barnats and fined them £10 and each to pay 5 merks to Watsone. The mutual complaints of Watsone and the woman were continued for new citation.

May 5.

**Assault—Loss of Life.** The Fiscal and Wm. Toshie in Collestoun v. John Duncane in Fingask. Duncan was charged with "the crewall and unmercifull dinging striking and blude drawing of the said umquhill Margaret (Margaret Toshie the daughter of the private prosecutor) in diuers pairts of hir body and casting of hir perforce ouer ane kill be occasione of the quhilk scho is departit this present lyiff" in Novr. 1603. The jury, all from the Oldmeldrum neighbourhood, acquitted the accused.

**Forestalling.** John Lesly, Skynner in Kyntor, for whom Wm. Forbes in Auchquhorsk was surety that he should appear and take his trial on 10 May under penalty of £100. On 10 May Wm. Forbes and Mr. Wm. Reid became cautioners for 300 merks that Lesly should appear on 12 May, which he did, and was discharged in the absence of a prosecutor.

**Troubling a Court.** Alexr. Lesly in Auld Rayne and James Elphynstoun in Auld Craig, for whose entry Andrew Lesly in Balhaggartie and Mr. Robert Elphynstoun, Tutor of Glak were respectively cautioners. The accused were charged with "the allegit troubling of ane court be stricking of utheris, drawing of wappownis and convocating of parteis in tyme of the execution of James Muresoun quha was execute for thift upon the xiiij day of Apryll last." The accused appeared and the cautioners were freed. On the case being continued to 10 May, John Leyth of Edingarrah became cautioner for Lesly, and the Tutor of Glak for Elphynstoun, each under pain of 500 merks. For the relief of Edingarrah John Leyth in Newtoun was cautioner, while the laird of Harthill bound himself to relieve the Tutor. On 10 May the accused appeared and the cautioners were freed, and nothing more is entered about the case.

16.

**Deforcement.** Mr. Wm. Barclay, Procurator Fiscal, and George Barclay, Mair depute v. John Forbes of Tillikerrie. Mr. James Irving, Minister at Touche, and Robert Farquhar at Touche were admitted and sworn as witnesses ; but several witnesses put forward were objected to as tenants to the laird of Balhaggartie, who was said to have some interest. The Sheriff took the matter to avizandum until 30 May, but no further entry found.

23.

**Assault—Blood-drawing and Mutilation.** Thomas Pirie at the Mill of Arnage v. John and David Cormaks at the Cobill of Kynnarachie. Case continued until 23 June, but no further entry has been found.

**Assault—Blood-drawing.** Girsall Mure v. George Beanis in Petgirscho and Isobell Udnie, his wife. The accused were assoilzied by virtue of their oaths.

**Assault—Blood-drawing.** Girsall Mure v. James, George, John and Isobell Udnie in Petgirscho. The accused did not appear and were fined.

## Aberdeenshire Sheriff Court :

1604.  
May 23.     **Manslaughter.** Gilbert Forbes in Carnehill was accused, for whose entry Mr. Wm. Reid became cautioner under penalty of £100.
26.     **Theft and Reset of Theft.** George Pratt in Annoquhy, for whom Arthur Johnstoun in Carnebrogie was cautioner. The charge was for certain capital crimes of theft and reset of theft. As neither appeared, the cautioner was fined £100 and the accused put to the horn and all his moveable goods escheat.
- June 4.     **Decree of Transumpt.** John Setoun of Auchquhortie *v.* Geo. Meldrum sometime of Fyvie, son and heir of the late Wm. Meldrum of Fyvie, and Andrew Meldrum of Tullicarne, son of the late Patrick Meldrum of Auchquhortie and all others having interest. The following series of Deeds embracing Auchquhortie, Tullycayrne and old Mill of Tullyelt in the Barony of Tarves and Regality of Abirbrothok, viz. : (1) Charter granted by George, Lord Gordone, heritable feuar of the Barony of Tarves, in favor of Wm. Meldrum of Fyvie, son and heir of Sir George Meldrum of Fyvie and his heirs male, lairds of Fyvie, dated at Aberdeen 27 May 1559 before witnesses John, Earl of Sutherland, John Lesly of Balquhane, Sir George Gordone of Shewes, James Gordone of Methlik, John Gordone of Carneburrow, Mr. John Lesly, Rector de Mimbus, Mr. John Watstone, Rector of Clatt, Mr. John Kennedy, Notary, and Sir Wm. Meldrum, Chaplain. (2) Instrument of Sasine under the hand of James Currou, Notary, dated 9 June 1559, proceeding upon precept signed at Huntly on 30 May 1559 before witnesses James Gordone of Haddoch, James Gordone of Petryche, James Gordone in Eister Migvie and others. (3) Precept of Clare Constat by George, Earl of Huntly in favor of George Meldrum of Fyvie as son and heir of Wm. Meldrum of Fyvie, dated at Huntly 1 June 1593 before witnesses Andrew Meldrum of Fyvie, Mr. Robert Lesly of Auld craig, Wm. Meldrum of Badinscot and Mr. Robert Paip, burgess of Aberdeen. (4) Charter of confirmation, George, Marquis of Huntly to Andrew Meldrum of Tullicarne & Violet Cheyne, his wife, and the longest liver in conjunct fee and liferent and their heirs male, dated "apud vicum canonicorum prope Edinburgum" 5 April 1604 before witnesses Sir Thomas Gordone of Cluny, Wm. Gordone of Geicht, John Gordone of Carneburro, James Gordone of Knokespak and John Chalmer in Drumbulg with divers others. These all signed, the laird of Cluny signing his territorial designation only, "Cluny."
9.     **Theft and Habit & Repute.** James Thomsone, son of Thomsone in Kildrymie, was sentenced to be drowned.
13.     **Manslaughter.** Thomas Watstone in Murcour, for whose entry Thomas Cuming, burgess, was surety. Mr. Wm. Reid, substitute to Mr. Wm. Barclay, Procurator Fiscal, prosecuted. The person alleged to have been killed was Alexr. Henrie in Murcour. A jury was impannelled, but as there were only 14 the case was put off for three days, when the accused was acquitted. Almost every one of the jurors were from the immediate neighbourhood, and Thomas Cuming, the cautioner for accused, was one of them. The crime was said to have been committed 12 years before.

**Appointment of Mair Depute.** John Chalmer in Auld Abd. was admitted and sworn.

## Diet Books: Vol. VII., Contents

1604.  
June 22. **Removing.** Wm. Allane, burgess of Abd. *v.* Andrew Hervy of Elrik, Janet Erskyne his spouse and James Hervy their son, and also John Hendersone, Wobster and others. The Pursuer claimed to be heritable proprietor of Karnefeidill (? Cairnfield or Cairnfold) and manor place thereof, occupied by the Hervys, and of Denistoun, Corthybuk and others in the parish of St. Machar in virtue of a Sasine dated 6 Octr. 1602 under the hand of Mr. Wm. Chalmer, notary public. For John Leang and Margaret Thornetoun his wife, who desired to be admitted to defend, a Sasine of 24 oxgait of Denstoun was produced, dated 22 March 1602, also under the hand of Mr. Wm. Chalmer. Defences were ordered on the following day. Decree was pronounced on 1 August.

23. **Manslaughter.** James Innes of Ardgrayne, for whom Patrick Cruikshank in [?] Ardufrie was cautioner. The charge against Innes was the slaughter of Alexr. Pettindreich, his servant, and the cautioner was bound under pain of 500 merks to enter him on 3 July, and also to make his moveable effects forthcoming. On 3 July the case was continued to 30 July, under the same penalty, Robert Cruikshank in North seat of Oykhorne becoming cautioner. On 30 July no one appeared to prosecute and the case dropped.

**Manslaughter.** Gilbert Forbes in Wateritchemure, for whom Mr. Wm. Reid was cautioner that he should take his trial on 31 July, for the slaughter of Katherine Wawan under penalty of £100.

**Violent Profits.** Thomas Atholl in Futie *v.* Wm. Walls in Futie, for whom Wm. Cruickshank in Cottoun was cautioner. Caution of 300 merks renewed until "Lambes ewin."

**Appointment of Mair Depute.** Mr. George Bissat, Mair of Fee, presented Wm. Downy in Hiltoun as Mair deput during pleasure, and the Sheriff admitted him, Bissat taking caution of Downy.

**Mutilation and Dismembration.** Wm. Cultis in Overclune. For not appearing to underly the law for this offence, committed on Wm. Cormak in Braidmuir of Boynds, the Sheriff ordained Cultis to be denounced to the horn.

**Lawborrows.** Wm. Ross, servitor to the Laird of Drum *v.* Walter Warrander in Querrilhill. In respect of Warrander's failure to appear and find caution, he was fined 300 merks.

July 5. **Molestation and Cognition.** Wm. Forbes of Poflug *v.* Wm. Forbes of Corsinday. The Pursuer produced Sasine of the lands of Poflug, dated 28 May 1579. Notary Mr. James Forbes. He desired that the matter should be remitted to the trial of an inquest, which was eventually done in spite of objections by the defender to the effect (1) that the judges were not competent in respect of the exemption of the family and name of Forbes, and (2) that Parliament was sitting and therefore no process could go on. To the former it was answered that the defender had already barred himself by his pleading from declining the jurisdiction, and to the latter that the quality of the Pursuer and Defender was not such as to subject them to give presence in Parliament.



## Aberdeenshire Sheriff Court :

1604.  
July 7.

- Killing Salmon in Forbidden Time.** A large number of accused chiefly from the district watered by the Don and its affluents were charged. A jury of 18, mainly from the Donside or Ury district, absolved all the accused who appeared, except one. The accused who did not appear were denounced to the horn. The Sheriff depute was Mr. Richard Irving and the other members of Court were Provost Rutherford and Baillies David Rutherford, Thomas Forbes and Wm. Lowsone.
18. **Killing Salmon in Forbidden Time.** Accused from Donside ranging from Goval and Pitmedden to Kemnay. A jury of 17 "clengt" all the persons put upon panell. Those who did not appear were fined.
19. **Removing.** The Marquis of Huntly *v.* Robert Carnegy of Wester Kyncarden, George Cromar, George Duncane and John Brabner in Formastoun, his cottars and grasmen. For the defence there was produced a lease for the current year and various witnesses. Robert Cultis of Auchtercoull became cautioner for violent profits. The principal defender gave his oath that the lease had been granted to himself and not to his father, and the case was continued to 25 July, but there is no record of it on that day.
20. **Killing Salmon in Forbidden Time.** The accused were chiefly from Upper Donside. A jury of 13 absolved all the accused who appeared, except one Ingram Chalmer in Drumallan, who "grantit his offence and pat him in the Justice will." A great number did not appear.
30. **Murder.** Robert Guild, son natural of the late Wm. Guild, armourer in Old Abd. The record bears that Alexr. Blair, Tailor burgess of Abd., accused Guild "for the crewall and unmercifull slauchter of umquhill Wm. Blair tailzeor brothir to the said Alexr. commitit be him upone the Kings gait callit the Braidgait of the Gallowgait of the said burght with ane byknaiff of set purpois previsioun and forethocht felony upon Sounday the xxix of July instant." The accused pleaded guilty, but was remitted to a jury, who convicted him. The sentence was "Thairfor the Sref deput forsaide ordanit the said Roberts heid to be tane aff, and his richt hand quhilk comitit the fact, and byknaiff put thairthrow and set one the tolbuith in example of uthers to commit the lyk in tyme cuming."
31. **Lawborrows.** Patrick Douertie in Foulholl *v.* Andrew Reid there, *et e contra*. Each swore that he dreaded bodily harm of the other, and each was bound down to keep the peace under the penalty of £40. Andrew Reid of Collestoun was cautioner for his namesake.

**Removing.** James Forbes of Fechill *v.* Margt. Cruickshank, widow of Wm. Bruce in Chappeltoun of Essilmont, Edward Bruce, his son, and George Bannerman of Wattertoun, his tutor, and others. Parts of Fechil. Defences lodged for these Defenders and a continuation to 3 Octr. for answers. Others not appearing were ordained to remove.

## Diet Books: Vol. VII., Contents

1604.  
July 31.

**Removing.** James, Earl of Atholl v. Francis, Earl of Erroll, Thomas Barnat in Lathers, James Gardyn in Drachlamilln, Alexr. Mernis in Racloche, Robert Walker in Glaslaw, Andrew Mernis there, Robert Stewart and Patrick Stewart his sons in Durlathers and others. The Pursuer stated himself to be proprietor of the two part and three part Lands and Barony of Latheris, Durlatheris, Glaslaw, Racloche and Wodheid, and specially the lands of Barricorne & Darricorne, Drauchlands & Mill of Rothybirsben. Decree was pronounced against Lord Erroll and Barnat to remove from Mains of Lathers, while the case was continued to the second day of the head Michaelmas Court. A large number of 16th century writs were produced on behalf of the other Defenders, the entry being of considerable length.

**Violent Profits.** Walter Maitland, lawful son of the late James Maitland of Monlatie v. John Wilkeyn, Isobell Auchinlek and John Arthour, all in Tartie. These defenders had, in June 1603, got their holdings from Patrick Cheyne of Essilmont, against whom decree of removing had passed at Maitland's instance on 18 July 1601, and Cheyne was called for his interest in this action. The value of the grain decerned for was "according to the feir of the crop 1603." The value of the pasturage of 20 sheep was fixed at 5 merks yearly, of 10 nolt 50/-, and of 2 horses 10/-

Augt. 1. **Fiars Court.** The fiars of crop 1603. These were fixed more than once a year at this period, and Lammass was one of the dates.

4. **Receipt for Documents.** Mr. Robert Gordon acknowledged to have received up a Charter and Sasine given by the late Sir John Gordon of Petlurge to his daughter, Barbara Gordon.

6. **Assault and Mutilation.** Patrick Allane, indweller in Fraserburgh. There was presented for registration an obligation dated 3 August granted by Wm. Birny in Fraserburgh, by which he became bound to enter accused for trial on 18 August, and also that his goods should be forthcoming to the use of "our Souerane Lord his Graces procurator fiscal and John Fyiff burgess of Abd." the injured party.

7. **General Service.** John, Lord Forbes to Dame Elet Keyth, his mother. The Sheriff refused to go on in vacation.

11. **Assault—Blood-drawing.** Thomas Davidsone, sometime servitor to the Laird of Ravyniscraig was charged with "dinging stricking & blude drawing of Keyth, Chopman." Fined in absence.

Sept. 5. **Manslaughter.** John Duncane, for whose appearance Alexr. Burnat and Wm. Russall, burgesses of Abd. were cautioners, was charged with the slaughter of Elspet Paull, his wife, but acquitted.

**Obligation for Money.** James Elphingston in Auld Crag, in favour of John Gordon of Bogs. Obligation to pay 40 merks before 11 Novr. under pain of pointing and horning, on a six days charge with ten merks for "cost skayth & dampnage" in case of failure. The entry is signed by Robert Gareoch, Sheriff depute.

15. **Murder.** John Huchoun, Flesher, for whose appearance James Robertsons and Alexr. Spens, cordiners, were cautioners. The charge was for the "allegit dinging stricking and blude drawing of umquhill Meriore Wode his spouse with his hands & feit, and specially with ane key in the heid be occasioun of the quhillk straik scho is depairtit this present lyiff commitit be him of set purpois preuisioun & forethocht felony." The accused was acquitted.

## Illustrative Example taken from Vol. VII. of Diet Books

### Criminal Indictment and Trial

(22 February 1603)

1. Johne Kid Indwellar in Auld Abd art Indytit for the thifteous steilling fra Androw Brabner Youngar, furthe of his toune of Sunny-syde of ane yow about Bartholl day last 1602 In signe & tackin quhairof Androw Wentoun & ane uther of his nichtbours hard hir bleit cumand In at the Channonrie port
2. Thow art Indytit for the thifteous steilling fra Androw Turnour In Horscruik of sex yowis furtht of his stedding thair about the xvii of Febr instant quhairof thair is tua apprehendit with the [thee]
3. Thirdlie thow art Indytit for the thifteous steilling fra James Allane in Boghoill furthe of his stedding thair of tua yowis about the said xvii of Febr In signe & tackin thay war apprehendit with the
4. Thow art Indytit for the thifteous steilling fra Ronald Allane seruitor to Wa Setone of Kingisseat of ane yow about the said xvii of Febr In signe & tackin she was apprehendit with the
5. Thow are Indytit for the thifteous steilling fra George Moresone burges of Abd of ane wedder aff of the hill of Cunnagar about the said xvii of Febr quhairwith thow was apprehendit
6. Thow art Indytit for the thifteous steilling fra Barbara Mowat relict of Umquhill Wa Leisk of that Ilk of tuelft sheip quhilk thow brocht ower the watter of Ithan and challengit with the & tane bak agane
7. Thow art Indytit for the steilling fra Alexr Mar than dwelling In the Mure In the moneth of November or thairby 1602 yeiris furth of the dg (dwelling) of Auld of xv sheip quhilk thow brocht to Abd ower at the Cobill of Ythan
8. Item at that same tyme thow staw fra Wa Wilsone in Carmuk of thrie yowis of the quhilk thow slew ane In Thomas Arthors (some illegible words follow)
1. Jon Litoljohne now at Justice Mylnis thow are Indytit for the thifteous steilling fra Androw Forbes litster of twentie sheip or thairby at syndrie tymes In the yeirs of God 1598, 99 1600 & 1601 yeirs In signe & tackin Margaret Harper seruitour to the said Androw apprehendit the with ane of thame upone thy bak gangand In at thy awin dure & sho tuik the staff fra the
2. Thow are Indytit for the thifteous steilling fra Patk Forbes & Alexr Andersone seruitors to the said Androw at syndrie tymes In the saids yeiris of sex sheip

## Diet Books: Vol. VII., Illustrative Example

3. Thow art Indytit for the cumand to Ferrihill In the moneth of  
in the yeir of God 1602 yeiris & braking of his hall or dwelling hous  
& tacking furth thair of of sex silver spunis ane stand of naperie half  
ane stane of cheis, ane pok full of blak woll and ane firlett of meill  
fro Androw Skynner
4. Thow art Indytit for the thifteous steilling fra David Hairow at the  
Brig of Dee of fourtene sheip furthe of the lands of Eister Petfod-  
dellis in the moneth of Febr or thairby 1602 yeiris In signe & tackin  
thow was apprehendit that same tyme be Margaret Harper & thow  
hid sewin heids of the said sheip under furis of Rigs and tuik with  
the woll & the cresche
5. Item ye and Ilk ane of you art Indytit for commoun theiffis &  
briganes receipt of thift Infang & outfang haveing na moyan nor geir  
to leif upone bot onlie be steilling In signe & tackin thair was tane  
furthe of the myre at the bak of Jon Litaljohns hous as thay gang  
to the Brig of Dee be Johne Key at Justice Milne & his seruitours  
thrie stane of Talloue, sex scheipis Intrallis and sheipis banes  
and thow mad the Last yeir pair of plaids and ane pair this  
yeir wovin be George Walker thow neuer beand ane bloker, ane  
byar nor haveing na sheip of thy awin. And thy wyff knaweing of  
thy thifteous deids left the thre syndrie tymes, quhilk beand denyit  
be the saids persones the Shreff remittit thame to the tryell of the  
Assyis following
6. Item the said Litaljohnne for being airt & pairt of the steilling of the  
sheip quhairwith the said Jon Kid was apprehendit extending to the  
numer of sex stowin fra Androw Turnour George Moresone James  
Allane & Ronald Allane

### Nomina Assise

George Arbekie in Auld Abd	Alex Douglas at the Brig of Dee
Adame Banerlay thair	Patk Forbes thair
Jon Barcar thair	Jon Walker thair
Jon George thair	Jon Still in Ferihill
Jon Hay thair	Jon Key at Justice Milnis
Androw Torrie thair	James Smithe In Kincorthe
Jon Torrie thair	Alexr Wobster in Kincorthe
Henrie Mowtray In Pervynnes	James Miln in Auld Abd
Hew Hebburne thair	George Gordone thair
Wm Cruikshank In Cottoun	Duncane Barcar thair
Alexr Robertstone In Auld Abd	
George Ogiluy fleshour in New Abd	
Androw Hervie in Auld Abd	



## Aberdeenshire Sheriff Court

The haill assyis be the mouthe of Henrie Mowtraye thair chancellor, convictis the said Johne of the secund, third fourt, fyft, sewint and aucht poynts, and siclyk convictis the said Johne Litaljohn of the secund, fourt, fyft, and sext poynts and siclyk convictis baith the saids persones be oppin voce & commoun fame & absoluis thame fra the remanent poynts

(Signed) henri Mutray Chancleir

The Shreff ordanit the saids persones to be drownit for thair demereitts.

## The Diet Books, Vol. VIII.—Part I. 1603, Part II. 1600-1622.

This, which on the outside binding is titled a Diet Book 1603-17, is called on the title page "Court buik begune undecimo die Januarii 1603," and the first entry contained in it is the Head Yule Court held on that day. To call it a diet book was in a certain sense correct, for while it contains apparently most of the work *de die in diem* from the above date until 23rd June, 1603, occupying about 100 pages, the remainder, nearly 300 pages, contain the engrossment of trials of Brieves of Services of various kinds, and of Edicts of Curatory from 1600 to 1622, with a sprinkling of other matter, such as revocations by heirs within the quadriennium utile, &c.

The volume is in exceedingly good preservation, although a considerable proportion of the contents is much faded and blurred. The whole of it is evidently transcribed from other books, and indeed the first part is, as already pointed out, a clear and expanded copy of at least a considerable proportion of the entries in the volume last noticed.

## Table of Contents of Vol. VIII. of Diet Books. Part I.

1603.  
Jany. 11.

**Violent Profits.** Wm. Gordoune, eldest lawful son of Wm. Gordoune of Dunymade *v.* Thomas Dempster of Auchterless. Mr. Arthur Watt, as Sheriff in that part, presented letters of Advocation, summoning the party and the Sheriff depute before the Lords of Counsel on 26 January.

**Decree for Rent.** James Gareoche of Kinstair *v.* Alexr. Smithe in Ardgathin. The arrears of rent of crop 1602 of the lands of Smydihill amounting to 14 bolls 10 pecks of meal. The Pursuer protested for the highest prices.

**Lawborrows.** James Andersone in Auchlossin and Alexr. Stewin in Waster Beltie *v.* Alexander Gordoune, Merchand, brother to Wm. Gordoune in Deskrie. Wm. Gordoune appeared and became cautioner for his brother to the extent of £300 Scots, and Alexr. Gordoune became bound to relieve his cautioner. Both cases were continued to 15 January to give in defences; but on that day Letters of Advocation were presented.

**Spuilzie and Eviction.** David Arbuthnot in Langseat *v.* Andrew Lyoun, elder in Ester Ardoche, David Lyoun in Wester Ardoche, Richard Lyoun, Smith in Pottertoun, David Skeyne there, George Clerk son to John Clerk in Pottertoun, and Alexr. Jamesone there. There were two actions here, in both of which January 15 was assigned for defences.

**Abstracted Multures.** Bartholl Leslie, portioner of Cheppiltoun, and Margt. Hervie his wife *v.* Patrick Leslie of that ilk. The Pursuer produced a Charter of the mill (presumably Cheppiltoun) granted by John Leslie of that ilk on 14 January 1577, and Sasine, dated 27 January same year. Notary Hew Hervie.

Nature of action not disclosed. John, Lord Forbes *v.* James Mortymer, fiar of Cragyver. This was a diet for proof. An objection to the proof proceeding was taken on behalf of the Defender, the ground being that, altho' the amount for which he was sued exceeded 100 merks, he had not been summoned by a mair depute but only by an officer. On the Pursuer agreeing to restrict his claim *pro loco et tempore* to 100 merks, the Sheriff depute held the citation of the Defender to be valid.

**Special Service.** Thomas Cheyne, son of Mr. Patrick Cheyne of Ranestoun, burgess of Abd. The Lands of Ferryhill, Ailhous and Smyddie crofts, Mill and Mill Lands of the same in the Parish of St. Maucher. Held of the Crown in feu farm for payment of £20 Scots per annum, with a duplicand on the entry of heirs. Old and new value £20. In non-entry since death of ancestor on 5 October 1602.

12. Nature of Action not disclosed. Andrew Skeyne in Ferrihill *v.* David Gardner in the Bray of Petfoddellis. February 1 assigned for defences.

## Diet Books: Vol. VIII., Part I., Contents

1603.  
Jany. 12.

Nature of Action not disclosed. Isobell Craigheid and Thos. Fergowsone, burgess of Abd., her husband *v.* Margt. Cruikschank, widow of John Craigheid in Fuddes. February 1 assigned for defences.

Nature of Action not disclosed. Andrew Gray *v.* George Hardie in Haddocht. February 15 assigned for defences.

Nature of Action not disclosed. Andrew Gordone *v.* Patrick Leslie in Setoun. Term for lodging defences circumduced and petition admitted to the Pursuer's probation.

Nature of Action not disclosed. John Leith, apparent of Harthill *v.* Wm. Leslie of Tocher and his tenants. February 13 assigned to Pursuer to answer the ciks to the defences.

**Claim for Rent.** James Ogiluy of Blerak *v.* Alex. Mar in Watishill and James Mar his son in Mure plough of Wester Auchleuchreis. 24 bolls meal and £8 custom silver, due for occupation of Mure plough for crops and years 1598, 1599, 1600, 1601 and 1602. Pursuer's Sasine was dated 5 June 1596. Notary John Leslie. James Mar became bound to relieve his father, Alexr. Mar, the other defender.

Nature of Action not disclosed. George Hardy in Haddocht *v.* Andrew Gibsone in Haddo of Furvie and others. In default of appearance the case against Gibsone was remitted to the Pursuer's probation. February 15 assigned for defences for the other Defenders.

**Decree of Wrongous Intromission.** Andrew Barclay, Sklaiter *v.* John Buchanan in Auld Abd. and Isobell Airthe, his spouse. The Pursuer obtained Decree for "Tua klokis the ane thairof gray and the uther russat price of the gray cloik x lib price of the russat klok vi sh viii d. Item tua linning neks worthe xvi d and anc hember worthe xl d" all which had been taken in June 1600.

Nature of Action not disclosed. George, Earl Marischal *v.* Walter Innes in Adiell. Defender not appearing, case remitted to Pursuer's probation. On 1 Feby. the Defender was represented, and on payment of expenses was reponed. Pleadings were subsequently lodged, but the case is not mentioned after 16 Feby.

Nature of Action not disclosed. Nicoll Ross, Cordiner, burgess of Abd. *v.* Archibald Paterson at the Walkmilne of Belty. Defences ordered, but no subsequent entry is found.

**Breach of Arrestment.** Mr. Wm. Barclay, Procurator Fiscal, and Wm. Straquhan of Glenkyndie *v.* Gilbert Robertsons at the Milne of Fedderet. There were produced (1) the private Pursuer's own precept of arrestment (2) execution thereof and (3) his Sasine, dated 20 Feby. 1566. Notary Sir Wm. Proctour. After various procedure Decree was pronounced on July 30 (vol. VII.), but no detail is given there.



## Aberdeenshire Sheriff Court :

1603.  
Jany. 12.

**Claim for Rent.** Girsall Hay, widow of John Dilgarnocht of Blakwatter, John Hay, her husband, Wm. Hay of Cremoundmogat, father, tutor & administrator for the said John Hay *v.* James Smithe in Rattraye and others tenants there. Subsequent entries disclose that certain "Ruiddis and lands" in Rattray were the subject of the action. One Jonat Keyth was admitted to defend for her interest on 8 Febry., producing a Sasine, the date of which is not given, and on 19 Febry. Alexr. Keyth of Balmure desired to be and was admitted in respect of the Sasine of Cristane Dilgarnocht, dated 7 June 1595, and an Assignation by her to him of the duties libelled.

**Claim for Arrears of Rent.** Barbara Gordone, lawful daughter of the late Sir John Gordone of Petlurg, Knight, and Abraham Forbes of Blaktoune, her curator *v.* John Gordone of Petlurg and tenants of Thornywayr. After various procedure the tenants were apparently allowed out of the case, upon the defender Gordon swearing that they had paid to him the half rents crop 1600 and the whole rents crop 1601. (*Vide p. 23.*)

**Renunciation.** Meriore Annand, wife of George Leslie of Hilbray, in favor of James Setoune of Bourtie, burgess of Abd. A contract, probably of wadset, between Leslie and Setoune and Margaret Rolland the wife of the latter, dated 24 Decr. 1601, and registered in the Books of Council & Session 22 Febry. 1602 is referred to. The lady renounced her conjunct liferent &c. in the lands of Hilbray, Mill of Bourtie, &c. in the Parish of Bourtie. After Leslie had appeared and intimated his consent the Sheriff interponed his authority.

13. **Nature of Action not disclosed.** Sir Patrick Hebburne of Luffnes, Knight *v.* John Ogstoun in Cheppilhill of Fingask and Gray in Petsligo. In default of appearance by Defenders, case remitted to Pursuer's probation.

**Nature of Action not disclosed.** Gilbert Gray, burgess of Abd. and Meriore Gordoune, his spouse *v.* John Dwne in Ellone. There was produced for the Pursuers a Charter, dated 19 Octr. 1599. In the course of subsequent procedure the defences were repelled, and after the taking of the Pursuer's oath of calumny on 16 March the case disappears.

14. **Spuilzie.** John Thomsone in Fechlie *v.* John McHardie alias Euer McRichie in Auchintoull at the heid of Glengardin. "Ane blak quhyit, blak pointed hornit ox" was claimed. The Defender did not appear and he was ordained to be cited again to give his oath.

**Ratification.** Agnes Forbes, wife of Andrew Brabner, younger, burgess of Abd., ratified a Contract, Charter and Infertment dated 13 Novr. 1602, whereby Brabner, in consideration of 800 merks and with the consent of his wife and brother Alexr., alienated by way of wadset to William Moir, burgess of Abd. the "toun and lands callit the Sonye Syde, Spittellhill and croft adiacent to the College Croft" lying within "the Regalitie of the College of Auld Abd." Also the lands "callit the Calsie Seatis" within the freedom of the Burgh of Aberdeen.

## Diet Books: Vol. VIII., Part I., Contents

1603.

Jany. 15. **Abstracted Multures.** John Glenly at the Doipmilne of Arnage *v.* James Gordone, fiar of Newtoun, Mr. Wm. Barclay Vicar of Inche, and William Bur at the Milne of Williamstoun. The Pursuer produced a Lease of Mill of Williamstoun, granted by the Defender Gordone in his favor for five years from Whitsunday 1601, dated 1 May 1601. February 1 assigned for defences.

Nature of Action not disclosed. Thomas Burnat of Cragmyll *v.* Charles Chalmer of Tillikirie. Action wakened and the Pursuer's Sasine of the lands of Cragmyll &c. produced dated 8 Jany. 1598-9. Notary Mr. Robert Davidsoune. Pronunciation of interlocutor continued to February 16.

Feby. 1. **Eviction and Payment.** George Adamsone in Elphine *v.* Wm. Leisk of that Ilk *et e contra*. Adamsone produced a lease by Thomas Leisk, apparent of that Ilk, of the town and lands occupied by Thomas himself for 5 years from Whitsunday 1596 with two receipts for rent, viz.: (1) For the rent of Auchmad crop 1600, and (2) For the rent of Belschamphie for the same crop and all previous crops. Among the witnesses cited in this case was Alexr. Hay of Brunthill.

**Spuilzie.** Wm. Irving, elder, in Hoill-Milne *v.* Jeane Lumsden, widow of Alexr. Chalmer of Cultis, and Alexr. Chalmer, his son. The Pursuer claimed "tua meiris and ane steir." This action was dismissed on 16 April, without prejudice to the Pursuer's right to sue again.

**Spuilzie.** James Cassy in Quhytstryipis *v.* Martene Howesone, burgess of Abd. and John Craufurd, messenger. A horse was claimed. After various diets the Defenders were allowed a proof of their last defence, and on 16 April they produced a compulsitor of the Commissariat of Abd. at Howesone's instance against Cassy for payment of money, with an execution of comprising of the horse following on it. Witnesses were admitted to proof that at the comprising the horse was offered to Cassy. The end of the case is not reached in the volume.

**Claim for Arrears of Rent.** Christian Fraser, widow of Alexr. Setoune, fiar of Meldrum, and wife of Alexr. Forbes of Fingask *v.* Alexr. Setoune in Ardcannan. Christian Fraser's liferent Sasine was produced, dated 4 Decr. 1584, notary Mr. James Forbes, and also a writ of repossession of the rents granted by Walter Wode of Fettercarne on 20 Decr. 1602. February 8 assigned for defences.

**Removing.** Christian Fraser, widow of Alexr. Setoune, fiar of Meldrum, and wife of Alexr. Forbes of Fingask *v.* Alexr. Setoune in Ardcannan. The subjects were the "myddill pleuch of the schaddou half lands of Ardcannan and ane croft of the Kirktonne of Bathelny callit the Clerks croft" in the parish of Bathelnie.

**Spuilzie.** John Farquharson in Invergald *v.* John McBrebarconnie in Monaltrie. The Pursuer claimed a dun horse, to which he produced an assignation, granted in his favor by Thomas McPhearis in Crathinhard, dated 28 Novr. 1602. This assignation McPhearis appeared in Court to authorize, ratify, affirm and approve. The Defender did not appear.

## Aberdeenshire Sheriff Court :

1603.  
Feby. 1.

Nature of Action not disclosed. James Gardyne of Blakfurde *v.* Alexr. Meldrum, sometime of Bogheids, and George Meldrum, his "oo" [grandfather]. The Defenders did not appear, but the Pursuer produced a discharge between the parties with "ane rewint" [torn] "contract contening ane cassatioune on the bak thairof quhilk the said James instantlie tuik upe agane."

**Failure to Present an Accused for Trial.** Gilbert Fergowsone at the Miln of Petfichie *v.* Thomas Muckard at the Miln of Monymusk. Muckard appeared, being summoned on Ferguson's petition, and being sworn at the bar, admitted that he had promised faithfully to present Wm. Watt in Kyldrymmie at the Court of Monymusk, charged at the instance of Ferguson with certain capital crimes and that he had failed so to present him, "anent the quhilk the Shreff deput tuik to be advysit."

2. **Spuilzie.** John Lumsden of Cushnie *v.* Andrew Touche in Brigend of Litill Lenturk. A "blak gray hors" was claimed. In support of his summons Lumsden produced a copy of an act from his own "Baillie Court buik." This copy was collated word by word with the book in Court. February 8 assigned for defences.

**Liquidation of Prices.** (*Supra* 11 Jany., p. 28.) James Gareoch of Kilstair *v.* Alexr. Smythe, sometime in Smiddyhill. Two witnesses viz. James Forbes in Abd. and Alexr. Blakhall there were adduced, who deponed that the price of farm meal crop 1602 was £5 Scots p. boll. The Decree was in accordance with this evidence, with 40/- of expenses.

**Special Service.** (*Inq. Spec. Abd.* No. 89.) John, Lord Abirnethy of Saltoun, grandson of Alexander, Lord Abirnethy of Saltoun. Superiority of the Lands and Barony of Lessindrum. Old value 20/-, present value £4. Held of the Crown for service of ward and relief. In hands of Crown for 15 years and 10 months since death of ancestor in April 1587 viz. : 10 years by reason of ward, and 5 years by reason of non-entry.

5. **Eviction.** George Maky in Innerowrie *v.* Wm. Mackie there. Defender being absent, case admitted to Pursuer's probation.

**Intrusion.** Wm. Keith of Pettindrum *v.* John Barclay there. Sasine produced but date not mentioned. February 16 assigned for defences.

**Renunciation.** Jeane Erskyne, widow of George Auchinlek of Balmanno, and wife of John Leslie of Balquhane, with consent of the said John Leslie. Alexr. Gordoun at Kethakismylne, as Procurator for George Auchinlek of Balmanno, presented a contract between the Leslies and Balmanno, whereby the former had bound themselves that the lady would, for a price of £1000, convey to Balmanno or his nominee, her terce in the lands under mentioned, to which she was entitled as widow of her former husband. These subjects were:—Two parts of the Mains of Schethin, Mill of the same, &c., &c., two parts of the lands of Raakistoun, Craigie, Little Meldrum, &c., two parts of Balgowny, Murcour, Wastfield, Kethakismilne, and Walkmilne of the same, two parts of Dillappie all lying in Aberdeen and Forfar Shires. The conveyance of part of the subjects was to Balmanno and part to his eldest son and apparent heir, George Auchinlek, whom he had nominated. The procuratory was signed at Kethakismilne, 29 Novr. 1602, and the contract at Aberdeen, 13 August 1602. Both Balquhane and his wife appeared in Court.

## Diet Books: Vol. VIII., Part I., Contents

1603.  
Febry. 10. **Decree of Removing.** Mr. Alexr. Leslie, parson of Rothies *v.* Patrick Leslie of that ilk. The shadow third part of Mains of Leslie in the parish of Premnay. The action had been advocated to the Court of Session, but remitted back to the Sheriff. The Pursuer produced (1) Act of Remission, dated at Edinr. 4 Decr. 1602; (2) Sasine dated 21 May 1588—Notary Mr. James Forbes—and (3) Letters of Horning raised and executed against the Defender and registered in the Sheriff Court Books. The Defender did not appear.

16. **Decree in Supplement for Rent.** Elizabeth Hay, Lady of Towie *v.* Andrew Schewan, John Ray, Gilbert Ray and Patrick Smithe in the Outseats of Mekill Drumquhendill. The Pursuer, who was liferentrix of Mekill Drumquhendill and Outseats thereof, had in April 1599 and 20 Febry. 1601, obtained in her own Baillie Court decrees against the Defenders, who had been tenants of Outseats. These decrees she produced in order to get a decree from the Sheriff Court *in supplementum justitie*.

**Violent Profits.** James Gardyne of Blakfurde *v.* Margaret Lamb, widow of the late Alexr. Gardyne of Blakfurde, and George Lamb in Langlandwallis, her cautioner. February 23 assigned for defences.

18. Nature of Action not disclosed. John Forbes of Echt *v.* Andrew Bonar in Boquharne and Thomas Sheriff in Colhay. February 23 assigned for defences.

19. **Discharge of Spuilzie.** Alexander Scott in Mylnanie *v.* Gilbert Baird of Auchmedden. In consideration of certain sums paid by Baird to Scott, of which the latter "haulds him weill contentit plesantlie satisfet and payit," the action is renounced and discharged. The corresponding entry in Vol. VII. of the Diet Books is signed by John Gordone of Bogis, the Sheriff depute.

**Renunciation of Tenancy.** George Low in Artanfurde in favor of John Irving of Artanfurde. Eight oxingait of the Lands of Artanfurde in the parish of Deir as from Whitsunday 1603. The entry in Vol. VII. is signed by Low and the Sheriff depute.

**Spuilzie—Advocation.** Alexr. Cruikschank, burgess of Abd. and David Mudie, Mair depute, Abd. *v.* John Wode at the Mylne of Fintray. Robert Gareoche, Sheriff in that part, produced letters of Advocation.

**Breach of Arrestment—Advocation.** Mr. Wm. Barclay, Procurator Fiscal for himself and as Procurator for Alexr. Cruikschank and David Mudie *v.* Alexr. Cruikschank in Wantonnes and John Wode at the Mylne of Fintray. Evidently connected with the immediately preceding entry. Robert Gareoche produced letters of Advocation here also, stopping procedure until March 10.

22. **Eviction.** Robert Glenly in Nethirtoune of Raneishill *v.* Cristane Symsonne, Charles Currie and Alexr. Symsonne. March 2 assigned for defences, but no particulars given and no decision in this Vol.

23. **Spuilzie.** George Reid in Auchinlek *v.* Andrew Reid in Over Barrak and George Reid, his son, there. No particulars. Defences ordered but case never appears again.



## Aberdeenshire Sheriff Court :

1603.  
Feby. 23. **Decree in Supplement.** Mr. Richard Irving, burges of Abd. *v.* Patrick Wyslie in Kemmellis. The Defender had become acted in the Baillie Court Books of Aberdeen on 3 April 1602, to pay to Mr. Irving £6 for each boll of five bolls of beir and five bolls of meal, and this decree is pronounced *in supplementum justitiæ*.

**Removing.** Alexander, Lord of Fyvie, President of the College of Justice *v.* John Watson in Mill of Pettie. Mill of Pettie &c. Sasine produced but date not given, the entry bearing that the Procurator for the Pursuer "instantlie tuk it upe agane."

**Claim for Arrears of Rent.** Patrick Gray, sometime portioner of Barrak *v.* Gedioun Keith in Garlogie, James Stewin and Harie Gordoune of Sauak. Sasine produced, dated 24 May 1598. Notary James Birny. April 16 assigned for defences.

March 2. **Mill Multures.** John Leith of Harthill *v.* John Burnat in Craigtowne. There was produced for the Pursuer a contract between him and the Defender dated 4 April 1601. March 9 assigned for defences.

5. **Breach of Arrestment.** Mr. Wm. Barclay, Procurator Fiscal, and George Knowis, burges of Abd. *v.* Wm. Knowis of Logyruif, John Mallice and Patrick Hendersone there. Precept of Compulsitor directed by the Commissary of Aberdeen and executions thereof produced. March 9 assigned for defences.

**Renunciation of Tenancy.** Walter Stewin in Bischopis Clintertie, in favor of Mr. Wm. Fraser, heritable feuar thereof. The town and lands of Bischopis Clintertie in the parish of "Sanct Maucher."

9. **Renunciation of Tenancy.** Agnes Andersone, widow of James Jamesone in Brumhill, with consent of Wm. Keith in Edny, her husband, and John Andersone in Dennis, as tutor of John and Geillis Jamesone, in favor of Alexr. Irving of Drum. "The towne and lands of Browmehill lyand within the Baronie of Fedderet perioch of Deir and Shrefdome of Abirdeine." The Pursuer had on 12 June 1602 obtained Decree of Removing in the Court of Session.

**Breach of Arrestment.** Mr. Wm. Barclay, Procurator Fiscal, and James Gordone, fiar of Newtoun, and Alexr. Andersone, messenger, for their interest, *v.* John Glenny at the Mill of Arnage, James and Patrick, his sons, Andrew Litoljohn, Andrew Stewynsone, Cristall Pratt, George Reid, Thomas and Alexr. Watson, Robert Pirie, and Philip. The instance is thus worded "at the instance of our Souerane Lord the King, His Majesty Mr. Wm. Barclay his Grace procurator fiscall," &c., &c. An objection to the excutions, as having been "mendit" after service of the summons, taken to avizandum. (*Vide Supra* Jany. 15.)

**Eviction and Spuilzie.** John, William, Beatrix and Annas Fraser, children of the late Alexr. Fraser in Cults, and Andrew Mayne in Edistoun, their guidsir and administrator *v.* Thomas Mengzeis of Durne. The confirmed testament of the deceased Alexr. Fraser was produced, and April 16 assigned for defences. The Defender's procurator did not admit the jurisdiction of the Court.

## Diet Books: Vol. VIII., Part I., Contents

<sup>1603.</sup>  
March 9.     **Decree of Spuilzie.** Alexr. Forbes in Dauauche *v.* John Makbrebar alias Ochan and Margaret Cultis alias Oge, widow of Allister Keir in Recharcharie. The Pursuer claimed "ane blak riggat ox of sewin yeir auld or thairby price thair of" £16. "Ane uther ox sex yeir auld or thairby" 20 merks. These were said to have been taken from Mekill Currichoull in August 1600. Violent profits claimed for each ox per annum 6 firlots victual at 10 merks per boll. The sums decerned for were for the two oxen 50 merks, and for violent profits a boll of beir at 8 merks for each ox per annum.

**General Service.** Patrick Willicok, son of Alexander Willicok, Dyer, burgess of Abd. to his grandfather, Thomas Con of Hairmoss.

**General Service.** The same to his grandmother, Isobell Cheyne.

16.     Nature of Action not disclosed. Janet Lumisden, widow of James Duncane of Merdrwme *v.* Andrew Glennye. A Sasine was produced but no date is mentioned. April 16 assigned to pronounce interlocutor.

**Blood-drawing—Submission to Arbitration.** The Procurator Fiscal, Patrick Leslie of that ilk, George Leslie, his son, and George Wode, his servant *v.* Bartholl Leslie in Cheppiltounne, Wm. Leslie, son to Patrick Leslie, Alexr. Hervy, son to Andrew Hervy of Elrik and others (probably merely underlings). James Hervy, son of Andrew Hervy of Elrik, had become cautioner to enter the accused for trial this day. He entered three of them viz. : Bartholl Leslie, Wm. Leslie and Alexr. Hervy, which was accepted as sufficient. The accused offered humbly to submit themselves to the judgment of the Laird of Leslie and his son; but they declined and referred this and all questions between them to Patrick, Lord of Lindores, John Leslie of Balquhane, John Leslie of Wardres, Patrick Leslie of Kincaigie, John Keyth of Ravynscrage, Wm. Udnie of that ilk, John Leith of Harthill, John Leslie of Petcaple, and John Chalmer of Balbithane, or any four agreeing, the Lord of Lindores and Leslie of Balquhane being two of the four. The Fiscal protested that the submission "preuidice nocht his Grace." James Hervy again became cautioner for the accuseds entry on 4 May.

**Tutory.** James Chalmer, brother's son to the Laird of Balbithan. John Chalmer of Balbithan presented gift of Tutory, dated 27 January 1603, accepted office, took the oath *de fidei*, found James Leslie in Ryhill cautioner for him, whom he obliged himself to relieve.

- April 16.     **Spuilzie.** Robert Birny in Braklay Tarves *v.* Alexr. Follay there. May 5 assigned for defences.

**Claim for Production of a Lease.** Gilbert Keithe of Auchireis *v.* John Fraser, son and apparent heir of Alexr. Fraser in Auchireis, and Margaret Keithe, his wife, John Fraser of Creichie his tutor and all others his tutors. The demand was for the production and exhibition of a lease, but of what subjects does not appear.

## Aberdeenshire Sheriff Court :

1603.  
April 16.

**Mill Multures.** Alexr. Gordone at Kethokismilne *v.* Hew Hebburne in Pervynneis and Elspet Hervie, his wife. At this diet the Pursuer referred the case to the Defenders' oaths of verity. On 4 May following their oaths were taken, and being negative of the reference, they were assolizied. From their depositions it appears that Elspet had been formerly married to Edward Drume, who died at Michaelmas 1597, and that she married Hebburne after the beir was sown in 1600.

**Eviction.** George Elphinstoun, burgess of Abd. *v.* Walter Wode of Fettercarne. The subjects are not mentioned ; but the Pursuer produced an Assignment made to him by one Henry Arbuthnot. June 23 assigned for defences.

**Spuilzie.** John Gray, burgess of Abd. *v.* John Kennedy in Schedochisley. No particulars given. May 4 assigned for defences.

Nature of Action not disclosed. James Urquhart in Allanboy *v.* James Gald in Nethirtoun and Patrick Michell in Cowschellauche. No particulars given. May 4 was assigned for Gald's defences, but Michell did not appear.

**Mutilation.** James Mylne at the Mylne of Udnie *v.* Thomas Smyth in Boghous. Alexr. Cruikshank, elder, burgess of Abd., who had bound himself to enter Smyth for trial, did so and was freed of his caution. No one appeared to prosecute, in respect of which and of the production by the accused of (1) Registered Letters of Horning against his accuser and (2) Royal letters of respite for the crime charged against him for a period of 19 years. In respect of these he was dismissed from the bar.

**Unlawful Carrying and Use of Firearms.** James Miln at the Miln of Udnie was bound over under penalty of 1000 merks to take his trial on 23 June for the alleged "beiring weiring & schuting with pistollis."

**Theft by Housebreaking and Reset.** George Turing, Janet Straquhan, Henry Russall and Thomas Burnat were charged and convicted. The names of the jury are not given here ; but Thomas Cuming, burgess of Abd. was Chancellor. The sentence against the men was that they were "to be tane to the Gallowhill & thair to be hangit quhill thay be deid" while the woman was "to be tane & scurgit throche the toun & perpetuallie baneist furth of this Shrefdome & neur to be seine within the same with certification in caice scho contraveine to be drownit without foddre doome or law." The houses of Dumbennan and Monymusk were among those broken into. As appears from Diet Book, Vol. VII., the jury numbered 21.

**Killing a Child and Wounding the Mother.** Thomas and Alexander Reith in Petmedden were put on trial, but the jury acquitted them of the charge, which was of going to a certain place "and tacking of umquhill Alexr. Forbes sone to Normond Forbes in Petsligo & manassing (threatening) to cast the said bairne upe & to kaip" (catch) "him on ane durk, lyk as thay did and efter he was fallin the ground for stramping of him with thair hands & feit be occasione of the quhilk he departit this present lyf, And for the wounding & blude drawing of Elspet Robertsonsone mother to the said Alexander in saifing of the said Alexander hir bairne in dyueris pairtis of hir bodie and specially in the heid" and for carrying firearms. The Chancellor of the jury was William Bruce of Cheppiltoun.

## Diet Books: Vol. VIII., Part I., Contents

1603.  
April 28.

**Theft by Housebreaking.** Andrew Hay from Bo'ness, the accused, who said he had been born in "Bownis," had broken into a house in Abd. on the previous day and stolen "tua peks of meill, ane pair new schone with a pair of tuedling scheitts." On pleading guilty he was sentenced to banishment from the Sheriffdom, with the usual addition of hanging without trial if he came back.

May 3. **Discharge.** Janet Sangster, daughter of the late Gilbert Sangster in South Colpnay and wife of Duncan Breichin, appeared and discharged 500 merks and all other sums payable to her by her husband under Marriage Contract. Alexr. Wode of Colpnay stating himself to be "oureman to the said Jonet" under her father's will, protested.

4. **Eviction and Spuilzie** (*Infra* 25 May). Wm. Bruce, sometime in Affleck now at Mill of Furvie *v.* Mr. Robt. Lumisden of Affleck, John Urquhart of Culbo, Tutor of Cromarty his curator, Helen Urquhart, widow of Wm. Lumisden, Chirurgeon, and Wm. Fywie in Altrie (*et e contra*). The Pursuer had been tenant of the shadow half of the lands of Affleck in the Parish of Deir, from which he had probably been evicted for non payment of rent and his crop seized by the landlord.

**Claim for Arrears of Rent.** John Arthour, one of the Commissaries of Edinburgh, Assignee of Robt. Arthour of Kingiswalls *v.* Gilbert Young there. The defence was that Robert Arthour had promised the Defender "sufficient nichtbourheid in plewching" and had not done so; but he failed to prove it. The price of heir was fixed at £10 and that of meal at £8 per boll. Price of poultry 3/4 each. A load of peats 2/- Tallow 5 merks per stone.

5. **Decree of Transferring.** Alexr. Forbes of Thainstoune *v.* Patrick Grant of Ballandaullach, Walter Grant, burgess of Banff, James Grant in Tillibo, Wm. Gordone of Gecht and George Gordone, sometime of Creichy then in Straloch. This case arose in connection with the provisions of the Marriage Contract entered into between the Pursuer and Janet Grant, sister of the late Patrick Grant of Ballindalloch, dated at Turriff 25 and registered in the Sheriff Court Books of Aberdeenshire 29 June both in 1565. On his side Forbes undertook to infest his intended wife in Kirktown of Kynnelar in liferent, which he did, the bride's brother, Patrick Grant, as principal, binding himself to pay to the bridegroom 800 merks, which he had not done. The cautioners for Patrick Grant were George Gordone of Schewes, James Gordone of Creichy, Patrick Grant of Davey and Mr. Wm. Grant in Tillibo. This action was for the purpose of transferring the liability for the 800 merks to the representatives of the original obligant and his cautioners, viz.: The defender, Patrick Grant, as representing his father, Walter and James Grant as representing their father, Mr. James Grant in Tillibo, Wm. Gordone of Gecht as eldest son and representing John Gordone of Gecht, who was heir or representative of George Gordone of Schewes, who was heir or representative of Sir George Gordone of Schewes, Knight, and George Gordone sometime of Creichy as representing James Gordone of Creichy, his father. Andrew Grant of Rewmoir and Patrick Grant of Davey were called as representing their father, Patrick Grant of Davey; but the libell was departed from as against them. A plea of payment was stated, but no attempt was made to prove it, so decree passed.



## Aberdeenshire Sheriff Court :

1603.  
May 5.

**Theft.** Meriorie Burne, daughter to the late John Burne in Fechill, convicted of the theft of £10 in April, was sentenced to scourging through the town, banishment from the county and drowning without trial if she returned.

11. **Manslaughter.** Thomas Adame in Tilliboy was charged with "the crewall & unmercifull slauchter of umquhill Johne Chrystie in Tilliboy with ane gad or tric upon the day of 1601 yeiris be striking hurting wounding and oppressing" committed at Tilliboy. David Aidy, burgess of Aberdeen had been cautioner, but upon the Sheriff continuing the case to 23 June John Forbes of Echt became cautioner for £100 to enter him on that day. As appears from Vol. VIII. the accused was duly presented for trial on that date, but in the absence of a prosecutor was discharged.

17. **Theft and Habit & Repute.** Thomas Forsyth was convicted of five points of Theft. To be hanged and all his moveable goods to be escheat.

**General Service** (*Inq. Gen.* No. 136). Henry Sincler, son of Wm. Sincler of Auchinfranco.<sup>1</sup>

25. **Removing.** Janet Gordone *v.* James Gordone of Letterfourie. The lands of Schanvell of Davidstoune in the Lordship of Huntly, of which the Pursuer was life-rentrix. This case, which had been asleep since 15 March 1600, was on the roll this day by continuation from 27 March last to be wakened and proceeded with. The Sheriff depute gave effect to a plea that the Defender had been insufficiently summoned for the previous diet by an Aberdeen Sheriff Officer—he being then resident at Letterfourie which was in Banffshire—and ordered new citation. On 15 June the Pursuer produced a contract between James Futhie in Schanwell and her, dated 25 June 1593, and Sasine thereon dated 2 July same year.

**Decree for Arrears of Rent** (*Supra* 4 May). Mr. Robert Lumisden of Afflek and John Urquhart, Tutor of Cromarty, his curator *v.* Wm. Bruce, sometime in Afflek now at Miln of Furvie. The Pursuer sued for 55 bolls 3 firlots of victual as the Defender's rent of the Shadow half lands of Afflek for 1599 and 1600. The Defender admitted being due for crop 1599 13½ bolls, and for crop 1600 3 chalders and half a boll, of which 20 bolls beir and the rest meal. The price of victual is said to have been "according to the feirs respective of the yeiris." He admitted also being due 9 lb. butter=2 merks, 18 capons at £3 per dozen, 3 wedders at 4 merks each and 5 merks of money. The Defender's claim in the action for spuilzie was reserved.

**Decree of Transferring.** James Johnestoune of Badindauche *v.* Cristane Davidstone, widow of Wm. Cruden in Innernothe, and Gilbert Cruden, his son, as executors of the deceased or intromitters with his estate. There was produced a Decree of the Court of date 9 May 1601 against the late William Cruden for 11 merks for each boll of 18 bolls meal for rent of the west third part of Carn gall with £10 of expenses. The widow was found liable as intromitter with her husband's estate and also in £5 of additional expenses. Gilbert the son was assoilzied.

<sup>1</sup> In Dumfriesshire.

## Diet Books: Vol. VIII., Part I., Contents

1603.  
May 25.

**Decree for Rent.** Isobell Leslie, widow of John Forbes of Kirkcounie of Touche, & Wm. Guthrie, her husband *v.* Agnes Ranie at the Milne of Edinbanquhorie, Alexr. Wilsone in Edinbanchorie, Thomas Wilsone, his brother, Geills Elmslie alias Johnestoune, widow, John Troupt, her son, Alexr. Elmslie in Logy, Arthur Forbes there, Wm. Walshe there & Cristie Michell. The female Pursuer claimed here a third of the rents of Edinbanchory in Auchindoir for crop and year 1602 as widow of her first husband. At a previous diet (5 May) she had produced a Sasine, dated 28 December 1594 proceeding upon the Sheriff's precept, and also an Instrument of Kenning of her Terce. Decree now passed.

**Blood-drawing.** Andrew Sangster in Bannakettill was charged. Wm. Forbes of Tolquhone had been surety for the accused, whom he now entered for trial. Apparently Paull Ray in Belhelvy and another, the injured parties, had received compensation and did not appear, upon which the case dropped.

June 1. **Nature of Action not disclosed.** George Meldrum at the Newmyll of Haltoun *v.* John Browne at the Kirk of Auchterles. Continued to 15 for defences and then to 23 June for answers. On the latter date 29 June was assigned to pronounce interlocutor. This was the last entry in this volume.

**Decree of Removing.** William Udny of that ilk *v.* Thomas Leslie in Greyniches. The Pursuer claimed to be liferenter of the subjects, as part and pertinent of the Maynis of Newtoun in Culsalmond. His Sasine, dated 8 December 1598, which was produced, embraced "Maynis of Newtoun, Wranghames, Corne and Walk mylnes of the same, Skairs, Mekill and Lytill Laidinghames."

4. **Warrandice.** John Burnat, son of the late John Burnat sometime bargess of Abd. *v.* James Burnat in Craigour. The Pursuer produced copy of a warning to remove, which he had received, and a lease dated 13 May 1600. The name of the lands and mill in question is not given. The defences were repelled on 23 June.

**Breach of Arrestment.** Mr. Wm. Barclay, Procurator Fiscal, and John Lesly, burgess of Abd. *v.* Agnes Allane spouse of Thomas Craigheid, burgess of Abd. The Defender did not appear and the case was admitted to the Pursuer's probation.

**Claim for Implement or Payment.** John Ogstoun, younger in Auchmacludy, Andrew Keyth of Aulmad and John Murray in Faithlie, his curators *v.* Magnus Ogstoun in Ardley. A bond containing the terms of the sale of certain oxen was produced, but no particulars are given. The Defender did not appear and the libel was admitted to the Pursuer's probation.

**Theft and Habit & Repute.** Thomas Sym, son of Sym, Milnvart in Abd. The accused was "baneist and exyillit" from the county "and neur to cum within the same with certificatioun in caice he war apprehendit thairin to be tane and execute to the deithe."

## Aberdeenshire Sheriff Court :

1603.  
June 8.

- Claim for Payment.** Mr. Robert Lumisden of Auchinlek and John Lumisden of Culbo, his curator *v.* Wm. Fywie in Altrie and Geo. Low in Milntoun of Cragmyll. The Pursuers' Procurator protested for the highest prices of the victual libelled, but no detail is given. June 23 was assigned for defences, but there is no entry on that day.
9. **Contract of Tenancy** (*Steelbow*). John Chalmer of Balbithan and Thomas Arthour his servant in Wester Disblair. "Aucht oxingait of the toune and lands of Waster Disblair" to be occupied during the proprietor's will and pleasure. The contract contains a full list of the stocking and plenishing handed over by the proprietor to the tenant. The deed was dated 17 February 1602. Mr. Robert Paip, Advocate, was one of the witnesses.
10. **Renunciation.** Gilbert Clube, burgess of Abd. & Janet Crystie, his wife, in favor of Wm. Moir, burgess of Abd. The consideration money was 2500 merks. The lands which were declared to be redeemed were part "of the lands of the Hospitall of Sanct Petir" lying in the Regality of the College of Auld Aberdeen. The west boundary was the "Kingis Commound gait," the north the "lands callit the Beirsched pertening heritable to Andrew Keithe and the Tyillburne," while on the east they were bounded by "the commound Linx of the said burght."
13. **Renunciation.** Isobell Dalgarno, only surviving child of Wm. Dalgarno of that ilk and Isobell Meldrum, his first wife, in favor of Wm. Dalgarno of that ilk, her half brother. The Lands of Craig of Garnastoun, Auldtoun of Garnastoun, Newtoun of Garnastoun, Collismilne alias the Corne Milne of Garnastoun, Berrihilloks and Walkmyle of Garnastoun, fourth part lands of Tullimauld all in the parishes of Kingedward and Turriff. The consideration money to be paid to Isobell Dalgarno was 840 merks, besides her claim to any tocher or other claims still outstanding which her father had against the late Meldrum of Iden, presumably the granter's maternal grandfather.
15. **Nature of Action not disclosed.** George Gordone in Tombrae and his curators *v.* John Forbes in Boquhane. A diet of proof. Defender was reponed on payment of expenses of Pursuers' witnesses and expenses of Court, and defences were ordered to be lodged on June 23, but there is no further entry.
- Decree for Rent, &c.** Mr. Alexr. Leslie, parson of Rothes *v.* Andrew Smith in Edingarrah. Decree for 40 merks balance of rent of a pleuche of Edingarrah, crop 1600. 21 merks 6sh 8d borrowed money. A dozen of capons price of the dozen 40sh. A dozen of poultrie price of the dozen 20sh. A wedder 33/4, with 26/8 of expenses.
- Cutting Green Wood.** Wm. Gordone of Geicht *v.* Robert Cheyne at the Mill of Auchry, Henry Kentie or Kemptie at the Mill of Gourdes, John Dovernie in Archedlie, David Torrie at the Mill of Boquhandachie, Andrew Marnoch at the Wodheid of Fetterletter and others. Some defenders appeared and got a day fixed for giving in defences. Others did not appear. There is no further entry.
21. **Decree of Removing.** George Chalmer in Nothe *v.* Alexr. Barroun, George Barroun and Andrew Urry (? Torry) all in New Nothe. The Pursuer was principal tacksman of the subjects, of which the Defenders were occupants, in virtue of an eight years' lease granted by the Marquis of Huntly in favor of him and his wife, Barbara Sempill, dated 20 Jany. 1603.

## Diet Books : Vol. VIII., Part I., Contents

1603.  
June 21.

**Decree of Removing.** John Forbes of Petsligo *v.* a number of tenants. The protocol book of Mr. Andrew Clark, the Pursuer's Procurator, was produced, containing Sasine of the Barony of Petsligo dated 13 February 1593-4.

**Decree of Removing.** Wm. Forbes of Monymusk *v.* Wm. Angous in Inver and George Angous his subtenant and George & Robert Rothe there. The Pursuer's Sasine was produced, dated 28 July 1593. The subjects were part of the lands of Inver in the parish of Monymusk.

22. **Removing and Arrears of Rent.** Alexr. Annand of Ochterellon *v.* Thomas and Alexr. Pirie in Mill of Ochterellon. Pursuer's Sasine dated 5 May 1603. Notary Mr. Wm. Anderson, Sheriff Clerk.

**Decree of Removing.** Robert, Commendator of Monymusk *v.* Wm. Touche & Wm. Gareoche in Carnnaverren Awfurde. The Defenders consented to decree of removing.

23. **Removing.** Alexander, Lord Fywie *v.* Janet Cuming, widow of Alexr. Burnat in Contlay, Alexr., James and Meriorie Burnat, her children, and Patrick Jak in Bainshill. The Defenders were occupiers respectively of Overcontlay and Bainshill. The Pursuer had the gift of the ward and non-entries of the Barony of "Cultar-Cumyng" in Peterculter. June 29 assigned for defences.

**Spuilzie.** Wm. Irving, elder in Hoill-mill *v.* Alexr. Chalmer, son of the late Alexr. Chalmer of Cults and Jeane Lumsden, his widow. "Ane quhyt meir, ane blak meir and ane braikit steir" were claimed.

**Removing.** George, Earl Merschell *v.* Wm. Murray in Mintlay. The case had been remitted to probation; but at this diet the Defender produced "ane emergent defence" and gave his oath to it, upon which answers were ordered for next day.

**Decree of Removing.** Francis Cheyne of Cragitarves *v.* John Cormak in Calsicroft. The croft was on the lands of Craigie, of which the Pursuer was owner. Sasine dated 30 March 1586-7. The Defender alleged a verbal promise of a liferent tenancy, but the Pursuer denied this on oath.

**Decree of Removing.** Robert Keyth in Ardmaucher *v.* Wm. Gall and Alexr. Andersone in Ardmaucher. The Defenders occupied a fourth and an eighteenth of Ardmaucher in Deir. Pursuer's Sasine dated 3 Octr. 1602.



## Illustrative Examples taken from Vol. VIII. of Diet Books, Part I.

### Proceedings relating to Occupancy of Land

#### I.—ABSTRACTED MULTURES

(4 May 1603)

The said day in the terme assignit to Hew Hebburne in Pervynneis to gif the declaratour of his aythe and to cum and bring with him Elspet Hervie his spous and gif hir aythe & declaratour thair of siclyk In the actione & caus perseuit be Alexr Gordone at Kethakismiln Compeirit the perseuer with Mr Alexr Irving his procuratour and desyrit the dyat to be satisfet, Ex aduerso compeirit the said Elspet & being suorne Deponit that umquhill Eduard Drwme hir husband deceist at the feist of Michealmes or thairby 1597 yeiris quhilk yeiris cornis fell under executrie & was mellit with be the executouris of the said umquhill Eduard, and as for the remanent yeiris the persewar resaut just multur for the haill cornis that grew upone the ground and suld haue cum to the mylne and that scho abstractit nane the yeiris libellit the seid & teynd being deducit quhilk was frie, And the said Hew now hir spous deponit that he mareit the said Elspett in the yeir of God 1600 yeiris eftir the sawing of the beir seid, and knawis nathing of the abstractit multurs the yeir preceeding and as for the croptis 1600 and 1601 yeirs Deponit the seid & teynd being deducit that he abstractit nane of his cornis beir nor aittis fra the persewaris miln that was subiect thairto in onywayis or that thollit fyre and watter within the ground. In respect of the quhilk depositionis [the Sheriff depute assoilzied the Defenders from the Pursuer's claim].

#### II.—THE CUSTOM OF NEIGHBOURHOOD

(4 May 1603)

The said day in the actione & caus of byrwne dewateis perseuit at the instance of Mr Johne Arthour ane of the Comissaries of Edinburgh assignay lauchfullie constitute be Robert Arthour off Kingiswalls aganis Gilbert Young in Kyngiswallis for ten bolls wictuall [&c. &c. &c.] for the said Gilbertis occupatione of four oxingait lands of the Overtoun of Kingiswallis lyand within the Fredome & Shrefdome of Abd. of the cropt & yeir of God 1597 yeirs as in the persewaris libell raisit thairanent at mair lenthe is contenit Compeirit James Dauidson procuratour for the persewar and producit ane summondis deulie execute & indorsate to this

## Diet Books: Vol. VIII., Part I., Illustrative Examples

day aganis the said Gilbert to heir & sie the said Robert Arthour gif the declaratour of his aithe of veritie upone the peremptour exceptione proponit be the said Gilbert & admitit to his probatione in the said caus quhilke he referrit to the said Robertis aithe of veritie beirand in effect that gif ony sic set was as is libellit that was upon speciall conditioun that the said Robert suld find sufficient nichtbourheid in plewching to the said Gilbert the yeir libellit utherwayis he suld haue bene frie, and that it is trew that he fand na nichtbourheid quhairthrow the land lay waist that haill yeir onlabourit, and according to the said summondis desyrit the Shref to caus the said Robert gif the declaratour of his aithe and to pronounce decreit condampnatour conforme thairto And the said Robert being present at the bar Deponit that he promiseist nichtbourtie according to the said exceptione and that the defender refusit the same saying my oxin was onie stark aganis his & that he wald caus his simple beistis do his turne quhilke was bot ane four oxingait land: In respect of the quhilke depositions the Shref fand that the said Gilbert hes succumbit in the probatioun of the peremptour exception as the same was proponit, And thairfor Decernit and Ordanit him To pay and delyuir to the said Complener assignay forsaid the said ten bolls wictuall thair of ten firloittis beir & the rest meill price of the boll beir ten lib price of the boll meill aucht lib nyne pultrie price of the pece thrie sh. iiijd xl laid of peitts price of the laid tua sh. ane stane tallou price thair of fywe marks, and fywe marks money and that for the said Gilberts occupatione of the said four oxgait lands of Kyngiswalls for the said croft & yeir of God 1597 yeirs. And ordanit preceptis to be direct [&c. &c.]

### III.—CONTRACT OF STEILBOW OR STEELBOW<sup>1</sup>

(9 June 1603)

The said day In presens of ane honourabill man Johne Gordone of Boigis Shref deput of Abd Compeirit personallie Mr Williame Chalmer procuratour for Johne Chalmer of Balbithane and Thomas Arthour pairteis contractours within writtin and gaif in the contract efter specifeit, and desyrit the same to be insert and registrat in the Shreff Judiciall Buiks of Abd To the effect that executione may follou thairupone according to the tenour of the same, quhilke desyre the Shreff thocht ressonable and ordanit the said contract to be insert & registrat in the

<sup>1</sup> The Editor has used the name by which this Contract has commonly been known; but it is not the name used by the lawyers who drew up this particular Contract of letting. They adopted the designation "Teilbow," and it can hardly be assumed that they did so *per incuriam* or without due deliberation, or that in what is evidently a careful transcription the same clerical error should occur twice. Tillage-goods would not be an unnatural rendering of "Teilbow," and would also express the inwardness of the transaction.

## Aberdeenshire Sheriff Court:

said buiks, and executorialls direct thairupone at ayther of the saids pairteis instances for fulfilling of the heids of the said contract ilk ane to utheris and moneist the saids persones in the persone of the said Mr Wa thair procuratour to observe and keip the said contract heids poynts and claussis thair of hinc inde to utheris under the panes thairin contenit, Of the quhilk contract the tenour follows.—

Att Abirdene the sewintene day of Febr the yeir of God ane thousand sex hundrethe & tua yeiris. It is appoynted contractit faythfullie obleist agreit & endit betuixt ane honourabill man Johne Chalmer of Balbithane on the ane pairt and Thomas Arthour his servand in Waster Disblair on the uther pairt in maner forme & effect following. That is to say the said Johne Chalmer hes enterit and be thir presents enteris the said Thomas In and to aucht oxingait of the said towne and lands of Waster Disblair with the pertinents lyand within the Regalitie of Lundoris Baronie of Fintray and Shrefdome of Abd as greif and servand to him thair of To be occupeit joisit and possessit be the said Thomas as servand forsaid during the said Johnis will and plessour And siclyk the said Johne hes presentlie delyuerit be ane Sties<sup>1</sup> to the said Thomas sewin oxin thrie ky thrie horssis ane meir four yowis tua hoggis with the oxin pleuche, pleuche geir, harrowis curraks creills, cruik saiddels spadds, fiftie four bollis aitts with the fodder, ane meit burde traistis and formes, ane almerie ane auld lang sadill bedd ane wesshell bink, tua standing bedds ane wairstaw, ane girnall, tua irne pottis, tua brasin pannis, sex peutir plaitts fywe truncheors of peutir tua kists with tua lytill rwks of beir estimat to tuelv bolls beir with the fodder. To be keipit in teilbow be the said Thomas to the said Johne for labouring of the saids lands. Of the quhilk beir thair is ten bolls ten peks to be presentlie intrometit with be the said Johne for the ferme beir of the said aucht oxgait landis of the last cropt in Anno 1601 yeiris, And the said Thomas declairis that it is and sal be in the said Johnis awin will at his plessour but perrell of law, actioun of evectioun, spoylz, intrusion or uthir actioun quhatsumewir quhilk the said Thomas now as than and than as now renuncis to mell & intromet with ye said aucht oxingait lands guidis and geir forsaid, and sa lang as the said Johne tollerattis the said Thomas to occupie the saids lands and bruik the saids guidis To pay and delyver to the said Johne yeirlie twentie bolls sufficient ait meill rin met and ten bolls beir with ane pek to ilk boll thair of, sex caponis tuelv pultrie, ane wedder, sex elnis custome lyning and ane pleuchis pairt of peittis yeirlie at the termes usit & vont And as concerning the guidis and geir gewin in teilbow as said is, the same ar lauchfullie compryisit be Johne Gilgour and Alexr Chalmer messengeris and Thomas Chalmer

<sup>1</sup> The Editor has been unable to find a meaning for this word. If it is a contraction, it might be the latter part of the word "Traistis," a roll or catalogue. [*Vide* p. 15 *Supra*.]

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officier to the said Johne and of the said pryces and according thairto resauit by the said Thomas Arthour To be restorit as thay be requereit equivalent thairto all fraud & gyill secludit, And for sure observing of the premissis the saidis pairteis ar content & consentis that thir presentis be insert & registrat in the buiks of Counsall Comissar or Shreff Court buiks of Abd to have the strenth of ane confessit act and judicial decreit with executorialls of poynding and horning the ane but prèuidice of the uther to pas thairon one ane singill charge of sex dayis And to that effect constituts Mr Wa Chalmer & ilk ane of thame thair lauchfull procuratours To consent heirto promitten de rato &ca In faithe and witness quhairof the saids pairteis hes subscriyvit thir presents with thair hands The body quhairof is writtin be Mr Wm Chalmer notar publict in Abd day yeir and place forsaid, befor witnessis Alexr Moutray burges of Abirdcin Mr Robert Paip Advocat, Mr Henry Buchane burges of the forsaid burgh and Ardy (Archibald) Lams thair Sic Subr Johne Chalmer of Balbithane, Thomas Arthour forsaid with my hand at the pen led be the notars underwrittin at my command becaus I culd nocht writ Ita est Magister Guilielmus Chalmer notarius publicus de speciali mandato dicti Thome scribere nescientis ut asseruit rogatus et requisitus. Ita est Gilbertus Thomsonsone conotarius publicus in premissis de speciali mandato dicti Thome scribere nescientis ut asseruit rogatus et requisitus. Mr. Robert Paip witnes Maister Henrie Buchane witnes Ardy Leams witnes Alexander Mowtray witnes.

### Criminal Proceedings

#### I.

(16 March 1603)

The said day in the terme assignit to James Hervie sone to Androw Hervie of Elrik to entir & present Bartholl Leslie in Cheppiltoune Wm Leslie sone to Patk Leslie Alexr Hervy brother to the said Androw Johne Horne in Cheppiltoune Johne Davidsone sone to Johne Davidsone in Cheppiltoune Henrie Leang thair Wm Forbes thair Johne Liddinghame thair, Wm Gib thair Johne Gray thair and Johne Browster thair To underly the law for the hurting wounding and blude drawing of Patrick Leslie of that ilk, George Leslie his sone & George Wode his seruitor, Compeirit the said James and enterit the said Bartholl Leslie Wm Leslie & Alexr Hervie upone pannall and protestit he be frie of his cautionarie & the Shref dispensit with the rest of the said defenderis nocht compeirand in respect the pairtie past fra thame, Ex aduerso compeirit Mr Wm Barclay Procuratour fiscall with the said Patk Leslie and his said sone and producit ane summondis deulie execute & indorsate to this day aganis the saids defenders To underly the law for the caussis foirsaid, and the defenderis under protestatione nocht confessand ony of



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the crymes contenit in the said libell, Thay declairit thay wald nocht kyithe in jugement aganis the Laird of Leslie nor his sone, bot being sa leist of blude to him as thay war with all humilitie & reuerence wald submit thame selfis & all actionis ciuil & criminall to the Laird of Leslie his awin will and jugement, lyk as on the uther pairt the said Patrick Leslie of that ilk and George Leslie his sone acceptit the offer in quantum, and becaus it wald seme sclanderous to him to accept the jugementis of the saids actionis upone himself beand his awin particularis, The said Patrik and George referrit the decisione of the saids actionis bayth ciuil & criminall to the decisione of Patrick Lord of Lundoris, Johne Leslie of Balquhane Jon Leslie of Wardres Patrick Leslie of Kincragie Jon Keyth of Ravynsgrage Wm Udnie of that ilk Johne Leyth of Harthill Johne Leslie of Petcaple and Johne Chalmer of Balbithane or ony four of thame agreand in ane voce the said Lord of Lundoris and the said Johne Leslie of Balquhane beand tua of thame lyk as the said Bartholl and his colligs foirsaidis ar content and consents that the said amicable compositous in numer & in maner foirsaid be juges to cognosce upone ony actionis ciuil & criminall ather of thame may laye to the said Patk and his said sonis charge or that ather of thame may lay to utheris chargis for ony caussis bygane, and the saids pairteis hinc inde obleissis thame to convene with thair saids freinds or ony four of thame betuixt & the last day of Apryill nixt to cum at the Cheppil of Gareoche, thair to subscriue ane designit blaynk to the effect foirsaid, withe power to the freinds conveneand at the said Cheppil Gareoche to prorogat the said submissione as neid beis in caice off absence of the said Lord of Lundoris, and during that ilk tyme all actionis to ceiss betuixt the saidis pairteis, and interea bayth the saids pairteis assuiris utheris that nather of thame sall invade utheris be ony kind of hostilitie or invasione under the pane of peruirie & infamie and utheris panes contenit in the Actis of Parliament, To the quhilk the Shref foirsaid interponit his auctoritie and ordanit the said Bartholl Williame & Alexr to set caution for thair reentrie agane to the secund day of the Heid Pasche Court nixt to cum to underly the law for the cryme forsaid sa far as the actione may concerne the Kings Maiesty. In quhais name Mr Wm Barclay Procuratour-fiscall protestit that the submissione of the pairteis preiudge nocht his Grace, and the saids pairteis of thair awin consent renuncit all uther jugement and jurisdictione for the kingis pairt except the jurisdictione of the Shref of Abd. and his deputs, and the said Bartholl Wm and Alexander set & fand the said James Hervie of new agane cautioune for thair entrie under the panes contenit in the Actis of Parliament to the said secund day of the Heid Pasche court nixt and the saids pairteis obleist thame to releif thair

(This case does not appear again in the Diet Book Vol. VIII., but it crops up in the Rough Diet Book, Vol. VII., under date 4 May.) (*Vide Supra* p. 15).

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cautioner of the premissis quhairon the saids persones hinc inde tuik act of Court & Instrument.

### II.

(Palme Sounday Ewin 16 Apl. 1603)

The said dey George Turing Jonet Strqn Henrie Russall & Thomas Burnat alias Nicoll was pannallit & accusit for certane crymes of thift & recept of thift airt & pairt of the same quha being put to the tryell of certane persones of Assyis summondit to this day to that effect, be the mouthe of Thomas Cuming burges of Abd thair chancellor, Convictit the said Isobell [sic] Straqn upone the secunde artickle for being airt & pairt with her umquhill father & mothers factis & deids, Convictit the said George Turing upone the sext artickle for the braking of the hous of Dumbenan, Convictis the said George Jonet Henrie & Thomas of the nynt artickle for the braking of ane hous in the Ord Convictis the said Thomas Burnet of the sewint artickle for steilling of Isobell Cullanis gowne Convictis George Turing upone the aucht artickle for the braking of Alexr. Setownis hous of Ardconnan, Convictis George Turing upone the xij artickle for the steilling of Niniane Setownis geiss Convictis Henrie Russall Thomas Burnet & George Tureing for the cuming to haue brokin umquhill Duncane Russalls hous Convicts the said Thomas Burnet upone the xv artickle for the braking of Andro Burnetis hous in Badyvin Convictis the said Thomas upone the xvj artickle for the braking of the hous of Monymusk Convictis George Tureing upon the xvij artickle for the steilling of Ronald Cheynis buittis & Convictis the saids haill four persones as commoun theiffis be oppin voce & commoun fame. And thairfor the Shref ordanit the saids George Turing Henrie Russall and Thomas Burnat to be tane to the Gallowhill & thair to be hangit quhill thay be deid & the said Jonet Straqn to be tane & scurgit throche the toun & perpetuallie baneist furth of thir Shrefdome & nevir to be sein within the same with certificatioun in caice sho contraveine to be drownit without forder doome or law, quhilk was gewin for doome be the mouthe of Hutcheon Ross dempster.

### III.

(28 April 1603)

The said dey Androw Hay quha allegit himself to be borne in Bownis was tane & apprehendit for the stricking up of Isobell Reid spous to Richard Moir Wricht her hous & thifteous steilling furthe thairof upone the xxvij day of Apryll instant of tua peks meill, ane pair new shone with ane pair of tueidlein sheitts quhilk he confessit, In respect of the quhilk he was ordanit to be baneist with his awin consent & scurgit throw the toun & neuir to be seine within the Srefdome of Abd. and in

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caice he be apprehendit or sein within the same to be tane & hangit without forder doome or law quhilk was gewin for doome be the mouthe of Androw Canzeoche dempster

### IV.

(5 May 1603)

The said day Meriorie Burne Dochter to umquhill Johne Burne in Fechil was convicit be ane assyis for thifteous steilling fra James Wode in Wodland the soume of Ten lib monie in Apryll last quhilk sho confessit, and thairfor the Shref ordanit her to be scurgit throche the toun and perpetuallie baneist and exyiliit this Shrefdome of Abd. and in caice sho be sene or apprehendit heireftir within the same to be tane & drownit without ony forder law or doome quhilk was gewin for doome be the mouthe of Hutcheon Ross dempster

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1600.  
May 10.      **Special Service** (*Inq. Spec. Abd.* No. 68). John Davidstone, heir of provision to John Davidstone, sometime in Wester Fintray, his uncle. Mill of Petcapill, Mill Lands, with the multures and sequels in the Barony of Petcapill. Held blench of Duncan Leslie of Petcapill. In non-entry since death of ancestor on 11 June 1599.
1601.  
Jany. 13.      **Special Service.** John Leyth to Patrick Leyth of Harthill, his father. The Daache of Tulloche with pertinents in the Parish of Monymusk and Regality of St. Andrews, in special warrandice of the parsonage and vicarage of the Parish Church of Oyne. Held blench of the Marquis of Huntly. The values are not filled in. In non-entry since death of ancestor on 26 August 1597.
- May 30.      **Special Service** (*Inq. Spec. Abd.* No. 76). Mr. Wm. Gordoune to Alexr. Gordoune of Abirzeldie, his immediately elder brother. The Barony of Abirzeldie, including the Lands of Abirzeldie, Eistoune and Glencalladeyr. Held of the Crown in ward and relief. In hands of the Crown since death of ancestor on 3 January 1601.
- April 22.      **Curatory.** Barbara Gordoune, second lawful daughter of the late Sir John Gordoune, of Pitlurge, knight, John Gordoune of Pitlurge, Mr. Robert Gordoune, his brother german, John Gordoune of Auchannachie, John Gordoune, his son, Abraham Forbes of Blacktoun and James Forbes of Lethintie were called as next of kin on the father and mother's sides; but none appeared except Abraham Forbes, who was chosen, finding George Ogilvie of Auchanny as his cautioner.
- June 2.      **General Service.** John Allardes in Auld Abd., sister's son and heir of Alexr. Hay, burgess of Abd.
- General Service.** Patrick Bisset to Margaret Bisset, his mother.
3.      **General Service.** Peter Davidstone to Jasper Stewart in Kennertie, his immediately elder brother.
13.      **Tutory.** Wm. Keyth, elder, Wm. Keyth, younger, and Margaret Keyth, "natural bairnis" to the late Sir Wm. Keyth of Delneis, knight. Alexr. Keyth of Carnes presented gift of the office under the great Seal, dated at Falkland 12 June 1599, gave his oath *de fidei* and found John Keyth of Rawinscraig as his cautioner.
- July 31.      **Special Service.** Mr. Wm. Gordoune of Abirzeldie to Alexr. Gordoune of Abirzeldie, his father. Balblair, Midmar, Kynnamie, Corssfield, Bethlyne in the Parish of Midmar. Old value 4 merks. Present value 16 merks. Held blench of the Marquis of Huntly. In the hands of Janet Irving, mother of the heir, as conjunct fiar since the death of the ancestor on 23 January 1601. Reserving the liferents of the said Janet Irving and of Margaret Macintoshe, widow of Alexr. Gordoune of Abirzeldie, the heir's elder brother.



## Aberdeenshire Sheriff Court :

1601.  
May 29.     **Curatory.** George Leslie of Auld Craig, son of the late Mr. Robert Leslie of Auld Craig. Duncan Leslie of Petcappill, John Gordon of Auchannachie, Mr. Robert Elphinstoune, Tutor of Glak, Andrew Meldrum of Drumbrek, and Thomas Meldrum of Camalynes, then in Creichnaleid, were called as next of kin. The minor chose Mr. George Abercrombie, Commissary of Aberdeen, James Leslie of Mylnetoune of Durnoche, Mr. William Leslie of Warthill, Mr. William Andersone, Sheriff Clerk of Aberdeen, Duncan Leslie of Petcapill and Patrick Leslie of Kincaigie or any three of them. Of these Messrs. Abercrombie and Andersone, James Leslie and Mr. Wm. Leslie accepted office.
- Augt. 22.   **Special Service**<sup>1</sup> (*Inq. Spec. Abd.* No. 78). Alexr. Annand of Ochterellone to Alexr. Annand of Ochterellone, his father. Wester and Easter Ochterellone and others in Barony of the same, held blench of the Earl of Crawford. Ower Mandurnoch in Regality of Abirbrothok, held in feu farm, formerly of the Abbot or Commendator and Convent of Abirbrothok, and now of John, Marquis of Hamilton, Lord of Abirbrothok. In non-entry since death of ancestor on 17 July 1601. Margaret Fraser, his widow, who survived him, was conjunct fiar of Mandurnoch. There was also reserved to her the liferent of Easter Ochterellone.
- Octr. 6.     **Revocation.** John Leslie of Wardes, stating himself to be between 20 and 21 years of age, revoked deeds granted to his hurt during his minority, and specially (1) A Contract for the disposition to George Earl Merschell of the Over and Nether Dauchs of Kintore and Mill and Mill lands thereof. (2) A Contract on the disposition of the lands of Brigend and for a Set and Allocation of the lands of Mylntoune of Durnoch to his uncle, James Leslie.
- Decr. 15.    **Special Service.**<sup>1</sup> William Watson, son of Alexander Watson. The Croft of Brigend with houses and buildings, formerly occupied by Matthew Dempster and David Shand, in the Barony of Auchterless-Dempster. Held of Thomas Dempster of Auchterless in feu farm for payment of £4 and also of 6sh for 6 capons and 3sh for 6 "pultrie." Alexr. Watson died in April 1588.
19.          **Revocation.** Alexr. Gordoun, son and heir of the late George Gordoun, sometime of Tulloche, revoked specially (1) an Assedation made by him to Alexr. Cruikshank, burgess of Abd., of his "Northwest forland & gardein within the haugh" on the east side of the Gallowgate. (2) a Disposition of his inland yard and pertinents in the "Gastraw" betwixt the land of Mr. John Cheyne of Petfichie on the South, and the land of Alexr. Rutherford on the North. (3) the Assedation made to Jamesones of his lands of Tulloche, within the Freedom of Aberdeen. A general revocation is added.
24.          **Revocation.** George Leslie, eldest son of the late Mr. Robert Leslie of Auld Craig, revoked specially (1) an Alienation made by his father, Mr. Robert Leslie, with his consent, to Duncan Leslie of Pitcapill, of the Kirktonne of Daviot, Brewcroft, &c. (2) a Contract of Excambion between his father, with his consent, and the said Duncan Leslie, of the third part lands of Rothmais and Keltiswall, for the lands of Rossewat and Mill of Pitcapill, &c. Also a general revocation.
- <sup>1</sup> This service is recorded out of date in the original, being entered among the services of 1607.

## Diet Books: Vol. VIII., Part II., Contents

1602.

Jany. 31. **Service—Tutory.** John Forbes, son of John Forbes of Ardmurdo. Mr. Alexr. Forbes, Rector of Fettercarne, uncle on the father's side appointed in terms of findings of the jury.

**Special Service** (*Inq. Spec. Abd.* No. 81). Marjorie Duncane, one of the three daughters of Jas. Duncan of Merdrum. Balschynnie and Balnakellie, in the parish of Leochel. Corbanchorie in the Barony of Cushnie. Morthlik with its Mill, in warrandice of Corbanchorie. Kirktoon of "Leoeheall," Shadow half of Wester Fowlis, Craigmyle with its mill &c. in the parish of "Locheall," Ower Menmoir, Nethar Menmoir with its croft, &c. The sunny half of Mill of Carneculie, Burnend of Carneculie, in Cushnie, Overtowies with croft called Lonesyd and Cowfurd in the Barony of Towie. Owerboigis with the ward beneath the bog of Moinrie, Merdrum in the Barony of Strathbogie. Balchynnie and Balnakellie held blench of John Lumisden of Cushnie. Corbanchorie and Morthlik held blench of John Forbes of Tollies. Kirktoone of "Lochell," shadow half of Wester Foulls, Craigmyle held blench of Alexr. Gordoun of Baldornie. Over and Nether Menmoirs, Milne of Carneculie and Burnend held blench of Arthur Forbes of Carneculie. Overtowies with Lonsyd and Cowfurd held blench of John Forbes of Towies. Ower boigis held blench of William Gordoune of Auchindoir. Merdrum held of the Marquis of Huntly in feu farm for payment of 40/- In non-entry since death of James Duncane in November 1601. The liferent of Janet Lumisden the widow was reserved.

Febry. 3. **Service—Terce.** Janet Lumisden, widow of James Duncane. Her terce of foregoing lands.

23. **Special Service.** Robert Turnour to John Turnour, portioner of Kinmonatie, his grandfather. Half the town of Kinmonatie, sometime occupied by the deceased and Grisel Roise, his wife, and Duncan Durvart, respectively in the Shire of Brase. With pasture in the forest of Brase and Glenawyne and half the commonty of Glencat. Formerly held of the Bishop of Aberdeen, then of the Crown in feu farm for payment of £3, with duplicand on the entry of heirs. In non-entry since death of ancestor in July 1594.

**General Service.** Robert Turnour to John Turnour, portioner of Kinmonatie, his grandfather.

March 27. **Special Service.** Robert Alshoner to Alexr. Alshoner, his uncle. 2½ ploughs = 20 oxengait of Haltoun of Baheluies in the Barony of Baheluie. Old value 10/- Present value 40/- Held blench of Lord Glames. In hands of Isobell Rae, widow of Alexr. Alshoner, in conjunct fee since his death in December 1601. Reserving the widow's rights.

**Special Service** (*Inq. Spec. Abd.* No. 82). Andrew Leslie to Wm. Leslie, son of John Leslie of Bannachie, his brother. The Church lands of Logiedurnocht, &c. in the parish of the same. Held of the Crown in feu farm for payment of 4 merks, 6/8. In non-entry since death of John Leslie in April 1595.

## Aberdeenshire Sheriff Court :

1602.  
April 13.

**Special Service** (*Inq. Spec. Abd.* No. 83). John Leslie of Wardes to John Leslie of Cultis, his father. The Lands of Cultis in the Regality of the Gareochie. Held of Patrick Leslie of that Ilk for service of ward and relief. In hands of Agnes Crichtoune, his widow, as conjunct fiar, since her husband's death in October 1587. Widow's rights reserved.

**Special Service.** James Bannerman to Alexander Bannerman, his father. Half Lands of Asleid in Barony of Kellie. Held of John, Earl of Mar in feu farm for payment of £8. In non-entry since death of ancestor on 3 January 1602.

**Special Service** (*Inq. Spec. Abd.* No. 84). Sir Thomas Gordoun of Clunye, Knt. to John Gordoun of Clunye, his father. The Towns and Crofts called the lands of the Forest of Bras, viz. : Knokieknow vulgo the Langedrik, the Spittell, Glenecat and Achabrek in the Shire of Bras. Held formerly of the Bishop of Aberdeen, afterwards by act of annexation of the Crown for payment of £10 for the old duty, with an augmentation of 3/4. In non-entry since death of ancestor in June 1586.

May 5. **Special Service.** Robert Hunter and Marjorie Reid, as co-heirs of Robert Reid of Annatis. Shadow plough of Dursail in the parish of Aurfurd. The lands of Annatis with mill, &c. Tomads, Tornavein, Barslasie in the parish of Kincardyne O'Neill. Dursail held in feu farm from Alexander Calder of Asloun for payment of 26/8. Annatis held of John, Lord Forbes in feu farm for payment of 26/- All the lands in non-entry since death of ancestor in January 1602.

11. **Special Service** (*Inq. Spec. Abd.* No. 85). George Leslie to Mr. Robert Leslie of Auld Craig, his father. Lands of Auld Craig in Daviot. Formerly held of the Bishop of Aberdeen but annexed to the Crown, in feu farm for payment of £4 of rent 17/- for grassum. 5 Chalders of £8 p. chalder. 24 capons or 8/- per dozen. 24 poultrie or 4/- per dozen. 6/8 for services. 3/4 of augmentation. Dupli-  
cand of £5 10/- on entry of heirs. In non-entry since death of ancestor in September 1600.

25. **Curatory.** James Crichtone of Condlayne. There were called James Crichtone, servitor to Sir James Crichtone of Frendraucht, William Crichtone at New Mylne of Boyne, the said Sir James Crichtone, Alexr. Innes in Slaawche and Robert Innes in Elrik ; but only the last named appeared and offered himself as Curator. John Leslie of Duncanstoune and Robert Spence in Cultis were however chosen, for whom George Crichtone of Perdarge was cautioner.

21. **General Service.** Alexr. Keyth to George Keyth in Biffie, his father. The wife of George and mother of Alexr. Keyth was Isobell Kennedie.

June 9. **Service—Terce.** Katherine Stewart, widow of Robert Reid in Annats. Her third of the shadow plough of the town and lands of Dursail in the parish of Aurfurd.

23. **Special Service.** John Keyth to Alexr. Keyth in Petmedden, his father. Sunny third part of Mains of Petmedden with houses, buildings, &c. in the parish of Ellon. Held blench of Sir Walter Ogilvie of Findlater, Knight. Old value 10/- Present value 40/- In non-entry since death of ancestor on 5 April 1602.

## Diet Books: Vol. VIII., Part II., Contents

1602.  
July 22. **Revocation.** Helen King, lawful daughter of Andrew King in Hilbray, revoked generally all deeds granted in minority and specially alienations made to John King, burgess of Abd. and James King, burgess of Danskeyne, either with consent of her father, tutors or curators or without such consent, of "hir richt & titill quhilk scho had & hes to the guidis geir merchandice dettis sowmes of money & uthers pertaining to umquhill Thomas King merchand travelland within the Kingdome of Poly her brother germane and that nicht fall and perteine be his deccis."
- Special Service.** Mr. Alexr. Barclay to Walter Barclay of Newtoun of Gareoch, his brother. Kinnarochie and Fortrie with salmon fishing on the Ythan. Also half of the Kirktoone of Drumbloit, mill, &c. in the Barony of Barclay. All held of the Crown for service of ward and relief. In hands of Katherine Forbes, widow of the deceased, as conjunct fiar, since his death in April 1591. The widow with consent of her second husband, William Ogilvie, agreed to the service; but the right of property in Kinnarochie and the salmon fishing was reserved to Alexr. Annand of Ochterellon.
- Novr. 12. **Service—Idiotrie.** Mr. William Skeyne was found to be "incompos mentis fatuus et naturaliter idiota." His brother, Robert Skeyne, was appointed to take charge of his estate. Among the jurors were John Forbes of Towie, Wm. Straquhine of Glenkyndie, Alexr. Straquhine Yor. of Glenkyndie, Andrew Straquhine of Grigfardoch, John Forbes of New, Alexr. Irving of Craigtoun, John Kinnair, servitor to Lord Glamis, John Burnet of Sluy and Wm. Forbes of Pettewquhy and along with them a number of burgesses. (*Infra* p. 64.)
- Service—Terce.** Margaret McIntoshe, widow of Alexr. Gordoun of Abirzeldie. Her terce of the Lands and Barony, reserving to Jonet Irving, the deceased's mother, the terce which she already had.
18. **General Service.** George Leslie to his brother, John Leslie, who was eldest son of Patrick Leslie of that ilk.
- Special Service** (*Inq. Spec. Abd.* No. 88). George Barclay to Walter Barclay of Newtoun, his brother. Kynnarochie and salmon fishing on the Ythan as described in the service of Mr. Alexr. Barclay on 22 July (*supra*).
- Decr. 22. **General Service.** Isobell Craigheid to John Craigheid in Fiddes, her brother.
1603.  
March 4. **Special Service** (*Inq. Spec. Abd.* No. 90). Alexr. Irving of Drum to Alexr. Irving of Drum, his father. This is the record of proceedings in a Court held by John Gordone, the ordinary Sheriff depute and by Mr. Richard Irving and William Gray late Baillies of Aberdeen, as Sheriffs depute of Aberdeen, Kincardine & Banff and Baillies of the Regality of St. Andrews, Aberbrothok, Lindores and Torphichen, by virtue of Royal Commission, dated 1 Decr. 1602. The date of the ancestor's death is given as 9 June 1602.
- July 19. **General Service.** George Stewine to Mr. James Stewine of Orchartoun, his father.



## Aberdeenshire Sheriff Court :

1603.  
July 20.

**Special Service** (*Ing. Spec. Abd.* No. 91). Wm. Dalgarno of that Ilk to Wm. Dalgarno of that Ilk, his father. The Lands of Garnastoune and Crage. Auldtoun of Garnastoune and  $\frac{1}{4}$  part of Tillimaid. Held of the Crown for service of ward and relief. In non-entry since death of ancestor in September 1590. There was a reservation of a liferent of part of the lands to Christiane Udnie, wife of Duncan Forbes of Byth.

Octr. 4. **Service—Tutary** (*Ing. Tut.* No. 38). Walter, Gilbert, Mary, Margaret and Isobell Gardyne, lawful children of Mr. Gilbert Gardyne of Bothis. Their paternal uncle, Mr. Thomas Gardyne of Blairtoun, was served as Tutor.

15. **Curatory.** George Archbald alias Leithe, son of David Archbald alias Leithe. There were called as nearest relatives on both sides, John Archbald alias Leithe in Auld Craige, John Archbald alias Leithe younger in Petblair, James Leslie in Ryhill and Alexr. Leslie in Warthill. The minor chose Mr. Wm. Leslie of Warthill, James Leslie in Ryhill and Andrew Archbald in \_\_\_\_\_ or any two of them. Mr. Wm. Leslie and Andrew Archbald were present, accepted office and found Andrew Abercrombie at the Mill of \_\_\_\_\_ as cautioner.

Novr. 1. **Curatory** (incomplete). George Leslie, eldest lawful son to Patrick Leslie of that Ilk. The next of kin called were John Leslie of Balquhane, John Leslie of Wardes, Mr. Wm. Leslie of Warthill, Patrick Leslie of Kincraigie, Wm. Udnie of that Ilk, Sir Patrick Barclay of Towie Knt., John Keyth of Ravinscraig. The minor chose the whole of these or any four, of whom the lairds of Balquhane and Wardes must be two.

17. **Curatory.** Mr. William Cardnocht, lawful son of Thomas Cardnocht, sometime in Boginejohne. The next of kin called were Mr. John Cardnocht, brother of the minor, Edward Cardnocht servitor to "my ladie Balquhane," Patrick Smyth in Fraserburgh, Alexr. Cardnocht at the Kirktoone of Phillorth, John Urquhart of Culbo, George Seatoune of Schethine, Mr. Alexr. Seatoune in Bomakellie, Alexr. Seatoune in Aberdeen, Mr. James Roise, Minister there and Mr. Robt Paip, Advocate there. There were chosen Mr. James Roise and Mr. Robert Paip, for whom Mr. John Cardnocht, the minor's brother, became cautioner.

29. **General Service.** Patrick Forbes in Cloak to William Forbes, his brother.

**General Service Refused.** John, Lord Forbes, as heir general of the late Dame Elizabeth Keythe, Lady Forbes. Mr. Andrew Clerk, Procurator for Lord Forbes, having produced the Breif and petition for service, Mr. Robert Paip produced, as Procurator for John Pattoun in Ferochye, letters of horning against Lord Forbes and stopped the proceedings.

Decr. 20. **Special Service.** Alexander Smyth alias Chalmer in Ladiesfurd, as heir of conquest to Alexr. Smyth alias Chalmer in Brigend of Tyrie, son of his paternal uncle. Two crofts of land called Brigend of Ardlay and Cowburtie in the Barony of Phillorth. Held of Sir Alexr. Fraser of Phillorth, Knight, in feu farm for payment of 40/- In non-entry since death of predecessor in October 1603. The conjunct fee of Isobel Ranie, widow of the deceased was reserved.

**General Service.** John Smyth alias Chalmer in Dunlugus, to Alexr. Smyth alias Chalmer in Brigend of Tyrie, son of his paternal uncle.

## Diet Books: Vol. VIII., Part II., Contents

1604.  
 Jany. 10. **General Service.** Wm. Cheyne to Gilbert Cheyne of Tilliburies, his father.
- Febry. 18. **Revocation.** Mr. Thomas Johnstoune, grandson and heir to the late Gilbert Johnstoune, sometime of Standenstaines, made a general revocation of deeds granted in minority and specially of an acquittance and discharge to his uncle, John Johnstoune, of his intromissions as his tutor.
- March 14. **General Service.** Matthew Lumisden to Alexr. Lumisden in Drumlasie, his father.
- April 17. **Special Service** (*Inq. Spec. Abd.* No. 93). George Meldrum, Senior of Ardfork, as heir of entail to George Meldrum, Junior of Ardfork, his son. The shadow half of Ardfork, &c. in Bathelnie. In non-entry since death of George Meldrum, junior, in September 1603.
- May 30. **General Service.** Robert Ferquharsone to George Ferquharsone of Deschour, his father.
- Octr. 2. **Special Service** (*Inq. Spec. Abd.* No. 95). James Skeene, as heir to Alexr. Skeene of that Ilk, his father, The Lands and Barony of Skeene, &c. Held of the Crown for service of ward and relief. The lands of Tillibraloch, Tillinahilt &c. held of David, Earl of Crawford "pro servicio dimedii unius sagittarii in bello regis," and for payment of a pair of gilt spurs yearly if asked. Reserving the liferent of Katherine Stewart, his father's widow, of the sunny half of Auchlok, and to Margaret Skeene, widow of the late Alexr. Skeene of Letter, her liferent of Letter, Brumhill, Newtown, half Auchlok and half of Tarriewall in warrandice. The predecessor died in July 1604.
- Novr. 10. **Curatory.** William Keyth of Ludquharne. The next of kin called were George, Earl Marshell, Robert Keyth of Benholme, John Keyth fear of Troup, Alexr. Keyth of Balmuir, Nathaniel Keyth of Coclaw, Alexr. Keyth of Troup, Wm. Gordoune of Gicht, Alexr. Keyth of Carnes, Wm. Leisk of that Ilk and Henry Gordoune of Dilspro. The curators chosen were the Earl Marshell, Sir Alexr. Fraser of Fraserburgh, knight, Robert Keyth of Benholme, Robert Arbuthnott of that ilk, James Gordoune, younger of Lesmoir, Wm. Leslie of that Ilk, Harie Gordoune of Dilspro and Wm. Knox in Creichie or any three of these, with Mr. Wm. Reid, Advocate in Aberdeen as Curator *ad lites*. The lairds of Dilspro and Benholme were present, accepted office and became security for each other.
1605.  
 Jany. 4. **Service—Tutory.** James and Margaret Davidsone, children of Alexr. Davidsone in Kincardine O'Neill. James Davidsone, elder brother of Alexr. Davidsone, appointed Tutor.
- March 23. **Special Service** (*Inq. Spec. Abd.* No. 96). Patrick Leyth, as heir of Wm. Leyth of Liklieheid, his father. Part of the lands of Auchlevin, Ardoyne, Harlaw and Liklieheid in the Regality of the Gareoch and Barony of Bairnes. In non-entry since death of ancestor on 25 June 1598.
- Special Service.** Marjorie Innes, as heir to Robert Innes at Mill of Dunnideer, her father. Chappeltoun of Comalegie in the parish of Drumblait. Held of John Lyone of Comalegie in feu for payment of 40/- In non-entry since death of ancestor in June 1600.

## Aberdeenshire Sheriff Court :

1605.  
March 23.     **General Service.** Alexr. Gordoune of Clunie to Sir Thomas Gordoune of Clunie, his father.
- Special Service.** Alexr. Gordoune of Clunie to Sir Thomas Gordoune of Clunie, his father. The towns and lands of Syid and Mill of the same and Peill thereof, with the toll of the market called Trewll Fair. Ailhous croft of Syid and Arnebrig, Erlisfield, Sygieden in the parish of Kinnethmont and Barony of Balquhane. Also Kirkhill and pendicle called Moistoun. And in special warrandice of the foregoing, the lands of Logiedurnocht, New mylne of Knokallachie, Newlands, Craigtowie, Craigmylne and Nethertoun of Knokinblewis and others in the parishes of Logiedurnocht, Oyne, and Inverurie. The whole subjects held of the Crown in feu farm. In non-entry since death of ancestor in December 1604.
- May 29.     **Service—Terce.** Johanna Douglas, widow of James Skeene of that Ilk. Her terce of the lands and Barony of Skeene.
- June 12.     **General Service.** John Forbes, heir to John Forbes of Craigtoun, his father.
26.         **Curatory.** Andrew Leslie, eldest lawful son of John Leslie in Boigs. The next of kin called were John Leslie of Balquhane, Mr. Wm. Leslie of Civile his brother, John Arbuthnot of Carnega and Wm. Arbuthnot his brother. John Leslie of Balquhane, Mr. Wm. Leslie, John Gordoun of Bogis, John Arbuthnot and Wm. Arbuthnot or any two of them were chosen, John Gordoun being one. He and John Arbuthnot accepted office, took the oath *de fidei*, and became cautioners each for the other.
- July 13.     **Special Service** (*Ing. Spec. Abd.* No. 98). David Knowis as heir to Alexr. Knowis, burgess of Abd., his father. Salmon fishings of the Cruffis of Don. In non-entry since death of ancestor in January 1587.
24.         **Revocation.** William Andersone, eldest lawful son of Robert Andersone, made a General Revocation, and also a Special Revocation of a contract between Wm. Johnstoun elder in Inverurie and George Johnstoun, brother to John Johnstoun of that Ilk, relating to the disposition of the third part Staines [? Stanners] of Inverurie.
- Octr. 1.     **Special Service.** Arthur Forbes as heir to Alexr. Forbes of Carncowlie, his father. An annual rent of 14 merks from the lands of Carnecowlie and Drumquhallie in the Barony of Cushnie. The lands held blench of George Forbes, nephew and heir of Alexr. Forbes of Auchintowll. Old value 12d. Present value 4/- In non-entry since death of ancestor in October 1587.
- Decr. 4.     **Service—Terce.** Margaret Cruikshank, widow of William Bruce of Chappeltoun of Essilmont. Her terce of the town and lands of Lochill of Colliestoun.
1606.  
Feby. 8.     **Special Service** (*Ing. Spec. Abd.* No. 99). George Gordoune of Gicht to Wm. Gordoune of Gicht, his father. As heir male and of entail to Badichells, Ower and Nether Murefundlands, Ower and Nether Swanfurd, Blachrye, Mackterrie and Mill of Mackterrie in the Barony of Fyvie. William Gordoune died in October 1605.
- General Service.** George Gordoune of Gicht to Wm. Gordoune of Gicht, his father.

## Diet Books: Vol. VIII., Part II., Contents

1606.  
 March 13. **Service—Tutary.** Margaret Cheyne, lawful daughter of Alexr. Cheyne in Bathelnie. William Cheyne in Essilmont, her paternal grandfather, appointed Tutor.
- July 31. **Special Service.** George Leslie of Creichie, heir of conquest to Mr. Wm. Leslie of Warthill, his immediately elder brother. The shadow half of Mckill Warthill in the Regality of Gareauche held blench of John Leslie of Wardes. Old value 40/- Present value £8. Also a croft on the East side of the King's highway leading from Old Aberdeen to the Bridge of Don, held of Peter, Bishop of Aberdeen in feu farm, for payment of 20/- Ancestor died in March 1606.
1607.  
 Feby. 27. **General Service.** John Knox to Wm. Knox in Creichie, his father.
- May 25. **Service—Tutary.** William, Marjorie, Janet and Egidia or Geils Keyth, lawful children of George Keyth in Kindrocht. Mr. Samuel Keyth of Tullituthill and Joseph Keyth in Auchtilair chosen Tutors.
- March 3. **General Service.** Robert Gordoun to Patrick Gordoun of Tulloquhowdie, his father.
17. **General Service.** John Forbes of Fichlie to James Forbes of Fichlie, his father.
- April 22. **Special Service.** Isobell and Marjorie Cheyne to Alexr. Cheyne in Haltoun, their brother. Two part lands of Grayis Fortrie, Meikle Mylne of Essilmont upon the Ithan in the Barony of Essilmont. Two part of the multures of Taartie, Two part of four bovates of Bourhill in the parishes of Ellon and Logiedurno respectively. Old value 22/- Present value £4 8/- Also the third part of Chappelton of Essilmont in the Barony of Essilmont. Old value 11/- Present value 40/- Alexr. Cheyne died on 14 March. Various liferents were reserved.
26. **Special Service** (*Inq. Spec. Abd.* No. 107). Alexr. Straquhan of Thornetoun to Alexr. Straquhan of Thornetoun, his grandfather. Culquhorsie, Kirkton of Echt, Knokquharne, Hilsyd, &c. in Barony of Clunie. Held blench of the Marquis of Huntly. The ancestor died in May 1601.
- May 5. **Special Service** (*Inq. Spec. Abd.* No. 108). Alexr. Forbes of Towies to John Forbes of Towies, his father. The Barony of Towies. Held of the Crown for service of ward and relief. In non-entry since death of ancestor on 17 March 1603.
- General Service.** Wm. Keyth of Ludquharne, to Wm. Keyth of Ludquharne, his grandfather.
- General Service.** John Bisset to Patrick Bisset of Lessindrum, his uncle. It would appear that the ancestor died in the reign of Queen Mary.
20. **General Service.** Patrick Cheyne to Mr. Gilbert Cheyne of Crowie, his father.
- July 18. **Curatory.** Andrew Thome, lawful son of Adam Thome in . The next of kin called were Alexr. Thome in the Mylntoun of Crathis, Duncan Thome in Leyis, Wm. Morisone, David Malcolme, John Irving, Mr. Robert Davidson, Advocate in Abd. Mr. Robert Davidsonsone was chosen as Curator, for whom David Malcome became cautioner.
22. **General Service.** John Forbes of Brux, to John Forbes of Brux, his grandfather.



## Aberdeenshire Sheriff Court :

1607.  
June 4. **Service—Tutory.** Janet Forbes, lawful daughter of Alexr. Forbes in Bredhauche. William Forbes, the pupil's uncle, was appointed Tutor.
- General Service.** Janet Forbes as heir to Alexr. Forbes in Bredhauche.
- Octr. 6. **Special Service** (*Inq. Spec. Abd.* No. 111). William Hay of Urie to John Hay of Urie, his father. The Barony of Cremond, &c. Held of the Crown for service of ward and relief. Wm. Hay died on 6 Febry. 1607.
7. **Service—Terce.** Agnes Innes, widow of James Crichtone of Condland and wife of Alexr. Chalmer of Ramarrok. Her terce of Pardarge and Toux croft at the Church of Forgue, and sunny half of Condland and shadow third of the same in the Barony of Frendraucht.
- Novr. 4. **Special Service** (*Inq. Spec. Abd.* No. 112). William Keyth of Ludquharne to William Keyth of Ludquharne, his grandfather. Lands of Ludquharne in Barony of Kellie, held of John, Earl of Mar. Balmuir and Myrsyd in Barony of Balmuir held of John, Earl Marischal. Glebe of the Church of Fettr Angus held of the vicars of the Church. In non-entry since death of ancestor in the end of July 1604.
- Special Service** (*Inq. Spec. Abd.* No. 113). William Keyth of Ludquharne, to William Keyth of Ludquharne, his grandfather. The dominical lands of Essilmont, held of the Crown for service of ward and relief. The rights of the heirs of Wm. Mar, burgess of Abd. and Mr. Alexr. Cullane, burgess there, and of Ladies Helenor Bruce and Helen Cheyne not to be prejudiced.
- Decr. 2. **General Service.** Patrick Bisset, burgess of Abd. to Margaret Bisset, his mother.
16. **Special Service.** Marjorie Spens, Matilda Spens, Isobell Spens, three of the four co-heiresses to Alexr. Spens at Mill of Knokinbaird, their uncle. Mill of Knokinbaird and croft adjacent. The lands of Auld toun, on the east side of the road leading to Wranghame. The lands of Henrieshauch and the Dammis otherwise called the Haughs, with teinds, &c. with privilege of an inn and brewhouse. Held blench of John Leslie of Wardes. Old value 20/- Present value £4. In non-entry since Alexr. Spens died, in January 1593-4. The rights of Bessie Spens, a fourth sister, were not to be prejudiced.
19. **Special Service** (*Inq. Spec. Abd.* No. 114). Alexr. Cuming of Culter to Alexr. Cuming of Culter, his father. Baronies of Tilliboy and Culter, &c. Held of the Crown as free baronies for service of ward and relief. The Barony of Tilliboy was held by Helen Wood, widow of the ancestor, in conjunct fee, and the Barony of Culter, of old called Culter de Ardbeik, in the hands of the Crown by reason of ward, from the death of the ancestor in March 1603 to November 1607, and by reason of non-entry until this date. Without prejudice to the rights of Alexr. Burnet of Leyis and Wm. Blakhall, as heirs of the late Alexr. Burnat in Contlay and Janet Cuming, his widow.
1608.  
Febry. 18. **General Service.** Isobell Craighead to John Craighead in Fiddes, her brother.

## Diet Books: Vol. VIII., Part II., Contents

1608.

July 30.

**Special Service** (*Inq. Spec. Abd.* No. 118). James Bodie, heir of conquest to Mr. Gilbert Bodie, Minister of Holme, in Orkney, his brother. Craigquhorthie in the Parish of Kinkell. Held blench of George Chalmer, fiar of Balbithan. Mr. Gilbert Bodie died in June 1606. The usufruct of the lands was reserved to John Chalmer of Balbithan, father of George Chalmer, during the life of the former.

**General Service** (*Inq. Gen.* No. 378). Walter Bodie to the said Mr. Gilbert Bodie.

**Special Service** (*Inq. Spec. Abd.* No. 117). Arthur Forbes of Balfour to Duncan Forbes of Balfour, his father. The sunny plough of Balfour in the parish of Forbes, held in feu from Lord Forbes. Brumhill, in the parish of Touch, held blench of Alexr. Calder of Asloun. Ancestor died in February 1606.

Octr. 11.

**Curatory.** Annas Fraser, lawful daughter of the late Alexr. Fraser of Creichie. The next of kin called were Mr. Nathaniell Fraser of Techmurie, John Fraser of Creichie, Robert Keyth of Auldmaid, Mr. James Keyth and Mr. Andrew Keyth, his brothers. There were chosen the said Robert Keyth, Mr. Andrew, his brother, and the said John Hay [? Fraser], Robert Keyth being always one. All three accepted office and became cautioner each for the others.

Novr. 28.

**Service—Tutury.** Patrick Cheyne, eldest son of Patrick Cheyne of Essilmont. James Cheyne of Pennan, brother of the deceased, chosen as Tutor.

1609.

Jany. 10.

**Curatory.** Alexr. Reid, son of Alexr. Reid in Newbigging. The next of kin called were James Reid of Newmilne, Robert Reid in Tillifour, Patrick Forbes of Bithnie and Duncan Forbes, his son, of whom Duncan Forbes and James Reid were chosen and became cautioners for each other. In the Latin heading the year is stated as 1619, but this seems to be a clerical error.

**Curatory ad litem.** George Leslie, lawful son of Alexr. Leslie, burgess of Inverurie and brother of Normond Leslie, burgess there. The minor, desiring to raise an action against Janet Leslie, his brother Normond's widow, for the heirship moveables falling to him as his brother's heir, required to have a curator *ad litem*, and John Leslie of Largie, "tender kinsman" to the minor, was appointed.

**Special Service** (*Inq. Spec. Abd.* No. 119). Thomas Burnet of Craigmyle to Wm. Burnet of Craigour, his grandfather. Half lands of Tillihaikie in County of Mar and Barony of O'Neill. Held of the Crown in feu farm. In non-entry during the reigns of Mary and James since Septr. 1547, when the ancestor was killed at Pinkie.

Feby. 23.

**General Service.** Alexr. Irving, apparent of Lenturk, to Alexr. Irving of Waster Beltie, his father.

March 18.

**Curatory.** John Forbes, apparent of Craigtoun. There were summoned as next of kin Alexr. Forbes of Fingask, Alexr. Calder of Asloun, James Gordoune of Had-doche and John Gordoune of Tillielt. The minor chose William Gordoune of Burnecrunnache, for whom James Gordoune of Pronie was cautioner.

## Aberdeenshire Sheriff Court :

1609.

April 8. **Special Service** (*Inq. Spec. Abd.* No. 120). Alexr. Copland of Udoche to Patrick Copland of Udoche, his father. The half lands of Udoche, held of the Crown for service of ward and relief. In non-entry since death of Patrick Copland in March 1606, the liferent of whose widow, Elizabeth Auchinlek, was reserved.

27. **Special Service.** Adam Dilgardno to John Dilgardno in Turriff, his father. A crag of land on the north side of Turriff extending to 16 roods, held of the Prebendary or Rector of Turriff for burgage service and an annual rent of 8/- John Dilgardno died in Novr. 1596.

**General Service.** Adam Dilgardno to John Dilgardno in Turriff, his father.

May 6. **Special Service** (*Inq. Spec. Abd.* No. 121). Alexr. Banerman of Wattertoun to George Banerman of Wattertoun, his father. Certain crofts and roods of land in Newburgh. Held of Lord Sinclair in free burgage, &c. George Banerman died in Jany. 1609.

16. **Special Service** (*Inq. Spec. Abd.* No. 122). Thomas Grig to James Grig at Mill of Fuddes, his father. The sunny plough of Ullaw in the Barony of Essilmont. Held blench of the heirs of Patrick Cheyne of Essilmont. In non-entry since death of ancestor in November 1606.

24. **Special Service** (*Inq. Spec. Abd.* No. 123). Edward Bruce, son of Edward Bruce, Lord de Bruce of Kinloise to Wm. Bruce, his paternal uncle. Cothill of Collistoun<sup>1</sup> in the Barony of Belhelvie, held in feu of Andrew Reid of Colliestoun. In non-entry since death of Wm. Bruce in January 1604.

Augt. 29. **Service—Tutory.** Wm. Irwing, lawful son of Wm. Irwing in Tullinturk. Mr. Alexr. Irwing, Minister at the Church of Birse, immediately elder brother to the deceased, appointed Tutor.

1610.

Jany. 9. **General Service.** Robert Forbes of Finnarsie to John Forbes of Echt, his cousin german.

**Special Service** (*Inq. Spec. Abd.* No. 124). Robert Forbes of Finnarsie to John Forbes of Echt, his cousin german. The Barony of Echt-Forbes, &c. held of the Crown for service of ward and relief. In non-entry since death of ancestor on 24 Novr. 1609. Reserving to Beatrix Gordoun, the widow, the liferent of certain specified subjects.

**General Service.** Mr. Robt. Forbes, Minister at Echt to James Forbes of Tilliboy, his father.

24. **Curatory.** John Seatone and Wm. Seatone, lawful sons of Mr. Alexr. Seatone in Aberdeen. The next of kin called were George Seatone of Schethin, James Irving of Auchioche, George Keath of Glakreauche and Patrick Chalmer of Newtowne, of whom Irving and Keath were chosen and accepted office.

<sup>1</sup> In the Abbreviate in the *Inq. Spec.* the lands are called Cothill *and* Collistoun, not of Collistoun as above.

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1610.  
 Jan. 24. **General Service.** Thomas Chalmer to Mr. Thomas Chalmer, Advocate in Aberdeen, his father. The heir's mother was Elizabeth or Bessie Forbes.
- Service—Tutary.** Thomas Chalmer to Mr. Thomas Chalmer, Advocate in Aberdeen, his father. Mr. George Chalmer, Sheriff Clerk of Banffshire, brother of the pupil's father, appointed Tutor.
- March 3. **General Service.** Elizabeth Hay, wife of Wm. Mowtray in Pervines to Alexr. Hay of Delgatie, her father.
- April 10. **Special Service.** James Gordoun of Lesmoir to James Gordoun of Lesmoir, his great grandfather. Glenhouss, Byithie, Bathmakellie, Kinbleine and Clawerie Faulds, in the Barony of Glencuthill. Carnetradden, Beildstoune, Glasco, with ailhouse croft of Carnetradden held of the Crown for service of ward and relief. Also Auchmedden in said Barony, held blench of the heirs of John, Earl of Buchan, Lord Auchterhouse. In non-entry since death of ancestor in June 1508.
- Special Service.** James Gordoun of Lesmoir to Alexr. Gordoun of Lesmoir, his father. Balmaid, Gorrachie, Craigheid, Morleis and mill of Balmaid. Held of the Crown for service of ward and relief. Alexr. Gordoun died in Novr. 1609. The liferent of certain of the lands was reserved to Marjorie Forbes, widow of Alexr. Gordoun.
- Special Service.** (*Inq. Spec. Abd.* No. 125). Mr. Robt. Gardyne of Blairtounne to Mr. Thomas Gardyne of Blairtounne, his father. The lands of Church of Balhelvie called Blairtounne, as occupied by the late Mr. Thomas Gardyne & Isobell Stewart, his wife, and their tenants. Also the dwelling house formerly the rectory of Balhelvie in the Chanonry of Old Aberdeen, situated between the manse and garden of the Treasurer of the Cathedral on the east, the garden of the Rectory of Forbes on the south, and the king's highway on the west and north. Held of Crown by virtue of Act of Parliament. Mr. Thomas Gardyne died on 24 February and the liferent of Isobell Stewart, the widow, was reserved.
- May 1. **Service—Tutary.** Walter, Gilbert, Margaret and Isobell Gardyne lawful children of Mr. Gilbert Gardyne of Bothe. Mr. Robert Gardyne of Blairtounne, cousin german, was appointed Tutor, for whom Provost Alexr. Rutherford became cautioner.
- June 26. **General Service.** Elizabeth Abirdour to Robert Abirdour in Rothiebirsen, her father. The year is entered as 1618: but this may be a clerical error.
- July 11. **General Service.** Margaret Blakhall to Wm. Blakhall of that Ilk, her father.
31. **General Service.** Walter Barclay to Mr. Walter Barclay, rector of Inverkeithny, his father.
- Special Service.** Marjorie Ray to Andrew Ray junior in Wester Fintray, her father. Fourth Part of Craighorthie in Kinkell, of old occupied by Wm. Smyth, held blench of the heirs of John Chalmer of Balbithan. Ancestor died in Novr. 1594.
- General Service.** Marjorie Ray to Andrew Ray junior in Wester Fintray, her father.



## Aberdeenshire Sheriff Court :

1610.  
 Augt. 11.     **Special Service.** Alexr. Gordoun to George Gordoun of Tullochis, his father. The town and lands of Swaillend in the Barony of Monicabok, held of the Crown for service of ward and relief. Ancestor died in October 1594.
- Special Service.** Alexr. Gordoun to George Gordoun, of Tullochis his father. The town and lands of Littill Gowill, with salmon fishing on the Don and others. Also Swaillend.
- Sept. 10.     **Act of Idiotrie.** David Torrie, sometime at Mill of Boquhannachie. This was a proceeding at the instance of the Procurator Fiscal, to have Andrew Torrie in Balnakellie, elder brother of the insane person, appointed to the office of Tutor : but he refused to accept the office. Upon this Margaret Meldrum, David's wife, protested for the appointment of Tutors Dative by the Crown. (*Infra*, 28 June 1615.)
- Octr. 25.     **Curatory.** James and George Fraser, lawful sons of Capitane Mr. Micheall Fraser. There were called Thomas Fraser of Petcawtanes, George Fraser in Corskie, Harie Hill in Kinghorne and James Hill there. Thomas Fraser and George Fraser, their father's brothers, were chosen by the minors. Their cautioner was Thomas Vatsone, portionar of Castell of Durris.
- Novr. 20.     **Special Service.** John Fraser to John Fraser of Creichie, his grandfather. Meikill Creichie in the Barony of Fedderet, held of the Crown for service of ward and relief. Old value 20/- Present value £4. In non-entry since death of ancestor in August 1604. The liferent of Nethertoun of Meikill Creichie was reserved to Margaret Innes, the widow.
21.     **Special Service** (*Inq. Spec. Abd.* No. 127). John Gordoun of Auchmeingzie,<sup>1</sup> to George Gordoun of Auchmeingzie, his grandfather. The town and lands of Littill Follay in Fyvie. Held of the Crown for service of ward and relief. In non-entry since death of ancestor in Sept. 1581.
- General Service.** Patrick Gordoun to Patrick Gordoun of Tulloquhowdie, his father.
1611.  
 Jany. 23.     **Curatory.** Margaret Keyth, lawful daughter of Magnus Keyth, sometime of Finnersies. The next of kin called were Mr. Gilbert Keyth of Auquhorsk, Mr. Gilbert Keyth, regent of the "Colledge of Auld Abd.", Andrew Keyth of the "Hospitall of Auld Abd.", George Knowis and Robert Knowis, co-burgesses of Abd. The minor's choice fell upon John Irwing of Kincowsie, as sole Curator.
- Feby. 23.     **General Service.** William Crombie to John Crombie in Glenheid [probably in Kemnay], his father.
27.     **Special Service** (*Inq. Spec. Abd.* No. 128). Alexr. Skeene of that Ilk to James Skeene of that Ilk, his grandfather. The Lands and Barony of Skeene, &c. Held of the Crown for service of ward and relief. In ward and non-entry since death of ancestor in Novr. 1604. The period of the ward ended about Sept. 1610.
- 1 A curious discrepancy is found here. In the abbreviate in the *Inq. Spec.* both John and George Gordoun are styled "of Tillaquhowdie" not "of Auchmeingzie" as here.

## Diet Books: Vol. VIII., Part II., Contents

1611.  
Feb. 27. **General Service** (*Inq. Gen.* No. 525). Alexr. Skeene to John Forbes of Echt, whose only sister, Barbara Forbes, was mother of Alexr. Skeene.
- Special Service** (*Inq. Spec. Abd.* No. 129). Alexr. Skeene to John Forbes of Echt. Town and lands of Culquhorsie, Dunbrek, Kirktoone of Echt, &c., in the Barony of Clunie, held for payment of 12d. yearly or a pair of gilt spurs, on the day of the Nativity of Saint John the Baptist at the Graystone of Clunie. In non-entry since death of ancestor in Novr. 1609.
- March 6. **Service—Terce.** Helen Wod, widow of Alexr. Cuming of Culter, and wife of John Burnet of Kilduthie. Her terce of the lands of Lasts and New mill of the same.
- General Service.** Isobell Hay to Alexr. Hay of Delgatie, her father. One of the three daughters and co-heirs of Alexr. Hay.
- Curatory.** Wm. Turing of Foveraine. The next of kin called were John Gordoun of Petlurg, Mr. Robt. Gordoun, his brother german, John Johnstoun of that Ilk, Mr. John Cheyne of Petfichie, Thomas Cheyne of Ranietoun, Alexr. Straquhane of Thornetoun, John Straquhane of Tillifroskie, Tutor of Thornetoun, George Straquhane his brother, and James Cheyne of Pennan. The minor chose Johnstoun of that Ilk, Alexr. Banerman of Wattertoun, Straquhane of Thornetoun, Straquhane of Tillifroskie, and George Straquhane or any two or three, John or George Straquhane being one. John accepted office, for whom Andrew Gray at the Mylne of Foveraine became cautioner.
- April 1. **Curatory.** Wm. Turing of Foveraine. Alexr. Banerman, here designed of Elsick, accepted office as a Curator of Wm. Turing of Foveraine, John Straquhane of Tilliefroskie, Tutor of Thornetoun, being his cautioner. This entry is dated [rightly or wrongly] 1613.
4. **General Service.** Agnes King to Wm. King, in Kirktoone of Bourtie, her father.
- General Service.** Margaret King to the said Wm. King, her father.
24. **Curatory.** Arthur and Isobell Forbes, lawful children of Abraham Forbes of Blaktoun. The next of kin called were Arthur, Lord Forbes, Wm. Forbes of Logiefintray, James Forbes of Lethintie, Robert, Commendator of Monimusk, John Lumisden of Cushnie, Lumisden, his brother, George Gordoun of Cocklarachie, and Mr. Robert Gordoun of Fechil. Each minor chose the two last named who became cautioners for each other.
- May 8. **General Service.** Wm. Craig to John Craig of Craigstoun, his brother.
15. **Special Service** (*Inq. Spec. Abd.* No. 131). Sir John Wod of Fettircarne, knight, to Walter Wod of Fettircarne, his father. Ower Blairtoun and Pettanns in Belhelvie held blench of Patrick, Earl of Kinghorne. In non-entry since death of ancestor in March 1605. There were reserved (1) To Isobell Forbes, the widow, her liferent of the subjects. (2) To Wm. Forbes of Tolquhone his right to two sunny ploughs of North Colpnay. (3) To Baillie Wm. Gray his right to the shadow half of North Colpnay and Wasterburne and (4) To Alexr. Wod of Colpnay his right to Pettanns and Vaus croft.

## Aberdeenshire Sheriff Court:

- <sup>1611.</sup>  
July 31. **Special Service.** Sir Wm. Keyth of Ludquharne, Knight, to Wm. Keyth of Ludquharne, his grandfather. "Totum et integrum tenementum hospitium hortus seu mansus Cantoris ecclesie Cathedralis Abredonensis cum domibus edificiis et pomariis ejusdem Jacen in meridionali parte dicte ecclesie inter hospitium et hortum Cancellarie ejusdem oriente hospitium et hortum Decane ejusdem ab occidente communes vias regias versus ad boream et austrum."
- Sept. 28. **Curatory.** John Spens, lawful son of Thomas Spens of Boigforth. The next of kin called were Mr. Thomas Meingzeis of Balgownie, Patrick Meingzeis, burgess of Abd., Alexr. Burnet there, Robert Spens of Cultis and Thomas Spens of Boigforth (the father). The minor chose Alexr. Burnet, sometime in Chappeltoun, and Patrick Meingzeis, who accepted office and became cautioners for each other.
- Oct. 1. **General Service.** Patrick Forbes, apparent of Lethintie to Margaret Forbes, his mother.
3. **Curatory.** Andrew Burnet, lawful son of Wm. Burnet of Camphell. The next of kin called were Andrew Burnet, burgess of Abd., Alexr. and Robert Burnet, co-burgesses thereof, Wm. Gordoun, burgess thereof, and Patrick Gordoun of Kincraigie. The minor chose the said Andrew Burnet (here called "elder") who found Alexr. Jaffray, Baillie burgess of Abd. as his cautioner.
- General Service.** Wm. Forsyth in Udoche to Michael Fiddes in Jaxtoun, his maternal uncle.
- General Service.** John Ker to Sir Thomas Ker of Hirtha, knight, his father.
28. **Tutory.** John Gordoun of Haddoch, lawful son of George Gordoun of Haddoch. Margaret Banerman, widow of George and mother of John Gordoun, presented gift of the office of Tutrix Dative, under the Great Seal dated 17 Oct., accepted office, took the oath *de fidei*, and found Alexr. Banerman of Elsik as cautioner.
- Nov. 13. **Special Service.** John Irwing, Junior, of Blakhill to John Irwing of Blakhill, his father. Eight oxgait of Nethirtoun of Tullimad, now called the Blakhill with houses, &c. in the parish of Turreff, held in feu of John Urquhart of Latheris for 20/- of annual duty. In non-entry since the death of Helen Cheyne, the widow and conjunct fiar, in June 1611.
- Service—Idiotrie.** Mr. William Skeene, lawful son of the late Mr. James Skeene of Waster Corss. Robert Skeene of Auchtermuchtie, his next younger brother german, appointed guardian. The mental illness is said to have existed 10 years. (*Supra* p. 53.)
29. **General Service.** Wm. Stewart to Patrick Stewart of Wodheid, his paternal uncle.
- <sup>1612.</sup>  
Jan. 29. **Special Service.** Katherine Gordoun to James Gordoun, fiar of Wranghame, her father. Half the town and lands of Auchtercarne, Tulloche, Tannamonie and Blakmyll with multures, &c. in the parishes of [Coull and Logie Coldstone] held of the Crown for service of ward and relief. Old value 30/- Present value £6. In non-entry since James Gordoun's death in June 1574.

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1612.  
Jany. 29. **General Service.** Katherine Gordoun to James Gordoun, fiar of Wranghame, her father.
- Febry. 1. **Service—Terce.** Margaret Smyth, widow of James Rait of Crannabog. Her terce of Crannabog in the parish of Fyvie.
5. **General Service.** Duncan Robertsons to Donald Robertsons, apparent of Strowan, his father.
12. **Service—Tutary** (*Inq. Tut.* No. 286). Alexr. Innes, lawful son of the late John Innes of Elrik. Alexr. Innes in Old Abd., brother german of the late Robert Innes of Elrik, the pupil's grandfather, was appointed Tutor.
- General Service.** The said Alexander Innes to Robert Innes of Elrik, his grandfather.
19. **General Service.** Charles Chalmer to John Chalmer, portioner of Wester Fintray, his father.
- Special Service.** Robert Paull to John and George Paull, his brothers german. The half of the town and lands of Park of Clunie in the parish and barony of Clunie, held blench of Alexr. Gordoun of Clunie. Old value 6/8. Present value 26/8. In non-entry since the death of Andrew Paull, the father of John, George and Robert Paull, in 1611.
- March 11. **Special Service.** George Dawidsone to Gilbert Dawidsone of Lennabo, his father. The lands of Lennabo, &c., in the Parish of Peterugie, held in feu, formerly of the late Wm. Keyth of Ludquharne, and now of his nephew Sir Wm. Keyth of Ludquharne for duty of £40 [? 40/-] besides some payments in kind. In non-entry since death of Gilbert Dawidsone in April 1610.
- April 21. **Special Service.** Robert Roise to John Roise, in Craigtoun of Lumphannand, his father. Sunny half of town and lands of Craigtoun of Lumphannand, &c., in the barony of Lumphannand and Lordship of O'Neill, held feu of Sir Henry Lindsay otherwise Charters, knight, for a duty of 10 merks and certain feudal services. In non-entry since death of John Roise in August 1604.
- General Service** (*Vide Supra* 1 Febry). James Rait to James Rait in Cranboig, his father.
- May 15. **General Service.** Isobell Keillo to Wm. Fraser of Ord, her grandfather.
- Service—Terce.** Margaret Forbes, widow of John Forbes of Ardmurdo. Her terce of Ardmurdo, Mill thereof and salmon fishing in the Don called Pot Bukie, in the parish of Kinkell.
27. **Special Service** (*Inq. Spec. Abd.* No. 580). Alexr. Forbes of Towies to Alexr. Forbes, fiar of Towie, his paternal uncle. Sunny half of Fichlie and Sonnaboth. Also Sonnahard, &c., in the Lordship of Mar, held of the Crown for service of ward and relief. In non-entry since death of ancestor in December, 1579.
- General Service.** Elizabeth Fraser, wife of Andrew Burnet in Ord to Wm. Fraser in Ord, her father. Elizabeth Fraser was one of the daughters of Wm. Fraser.



## Aberdeenshire Sheriff Court :

1612.  
May 27.

**General Service.** Margaret Fraser, wife of David Straquhan in Ley of Tillichedlie to Wm. Fraser in Ord, her father. Margaret was another daughter of Wm. Fraser.

**General Service.** Isobell Fraser, wife of Robert Donaldsone, to Wm. Fraser in Ord, her father. Isobell was a third daughter of Wm. Fraser.

**Curatory and Tutory.** Robert, John and Agnes Irwing, lawful children of Robert Irwing, sometime in Lyne and the late Helen Fraser, his wife. The next of kin called were John Irwing of Kincowsie, James Irwing in Beildsyd, Alexr. Fraser, far of Durris, and Alexr. Jaffray, burgess of Abd. Agnes, who was in minority, chose, with consent of her father, Andrew Burnet in Ord, as her Curator. The Sheriff depute, also with consent of their father, appointed Burnet Tutor to Robert and John, who were in pupillarity. Alexr. Jaffray of Kingiswallis, burgess of Abd. and David Straquhan of Tillichedlie became cautioners for Burnet.

23. **General Service.** Andrew Brabner, burgess of Abd. to Andrew Brabner, his grandfather.

July 31. **Special Service.** Andrew Schand in Petblair to Patrick Schand in Bairnehill, his father. The sunny half of the town and lands of Scattertie in Kinnedwart, held blench of Sir Alexr. Fraser of Fraserburgh. Old value 15/- Present value £3. In non-entry since death of ancestor in May 1607.

**General Service.** Thomas Maitland to Mr. Walter Maitland, Rector of Kinnedwart, his father.

Octr. 6. **Special Service.** John Gordoun to George Gordoun, far of Haddoch, his father. The two Methliks, with their pertinents called Haddoch. Archedlie with fishing on the Ithan. The superiority of an annual rent of £5 from these lands from Lord Forbes. Andet and Brachla. Also the House of Kellie, &c. with its mill. Wester Barrak. The superiority of Saphok, Knowen and Auchmaledie. Also Little Methlik, mills thereof, salmon fishing and other pertinents in the parish of Methlik. New Park of Kellie and others in Tarves, Diracroft, Brakey-Tarves, the superiority of Tullielt, with pertinents, also in the parish of Tarves. All the subjects held blench of James Gordoun of Haddoch, grandfather of John Gordoun, for payment of pence, if asked only, and of the said James Gordoun's superiors for payment of the farms and services due and payable by him to them. In non-entry since death of George Gordoun in 1610.

**General Service** (*Inq. Gen.* No. 551). John Gordoun to George Gordoun, his father.

**General Service.** Margaret King, wife of John Crag [or Brag] in Lyne, to Wm. King of Kirkton of Bourtie, her father. (*Vide* 4 April, 1611.)

**General Service.** Agnes King, wife of Robert Smyth in Jaxtoun to the said Wm. King. (*Vide* 4 April 1611.)

## Diet Books : Vol. VIII., Part II., Contents

1612.  
Octr. 31. **Special Service** (*Inq. Spec. Abd.* No. 582). Thomas Fraser of Streichin to Thomas Fraser of Streichen, his father. The Barony of Streichin, held of the Crown for service of ward and relief. The heir's father died only four weeks before the inquest.
- Novr. 18. **General Service** (*Inq. Gen.* No. 552). Alexr. Pantoun to Henry Pantoun of Craig, his father.
- Special Service.** Alexr. Pantoun to Henry Pantoun of Craig, his father. Town and lands of Littill Liddingame, in the Regality of Lindores. Two part town and lands of Craig, in the Barony of Monicabok. Both held blench of the heirs of the late John Pantoun of Petmedden. Old value of Littill Ledinghame 15/- Present value £3. In non-entry since death of Henry Pantoun, in August 1590.
1613.  
March 2. **Curatory.** Alexr. Fraser, eldest lawful son of the late Mr. Michael Fraser of Techmurie. The next of kin called were Sir Alexr. Fraser of Fraserburgh, knight, Alexr. Fraser, portioner of Kindrocht, Alexr. Hay in Auchinten and Thomas Hay in Graysteane. The minor chose Alexr. Straquhan of Glenkindie, Mr. James Forbes of Knapernay, John Hay younger of Cremondmogat and Alexr. Fraser younger, portioner of Kindrocht, or any two of them. All accepted, Straquhan and Forbes becoming cautioners for each other and Hay and Fraser the like.
- April 13. **Special Service.** James Forbes to Abraham Forbes of Blaktoun, his father. The town and lands of Wark, otherwise Newtoun of Knokreauch. Also Newtoun of Balnakellie, otherwise Brydiswalls, in the parish of Cushnie, held blench of John Lumisdien of Cushnie. Old value 5/- Present value 20/- Also the superiority of Nuik in the parish of Kennethmont and Regality of Lindores. Also 12 oxgait of Balnakellie, in special warrandice of the foregoing lands in Cushnie. Abraham Forbes died in March 1611.
- General Service.** James Forbes to Abraham Forbes of Blaktoun, his father.
21. **Revocation.** Thomas Wentoun, lawful son of the late John Wentoun, sometime of Tempil Lands, made a general revocation of deeds granted in his minority to his prejudice, and specially of the alienation of the lands "callit the Tempill Lands of" in the parish of Fordoun, and County of Kincardine, to George Wishart, brother german to the late Sir John Wishart of Pettarrow, knight.
- June 2. **Special Service.** Robert Keyth to Mr. Archibald Keyth, Rector of Cremound, his grandfather. The sunny half of the town and lands of Invernocht, in the Barony of Phillorth, held blench of Alexr. Fraser of Phillorth. Old value 10/- Present value 40/- In non entry since death of ancestor in January 1597-8.
3. **General Service.** Thomas Burnet to Wm. Burnet of Campbell, his father.
29. **General Service.** James Leslie to Walter Leslie of Drumdolo, his father,
- Special Service.** James Leslie to Walter Leslie of Drumdolo, his father. The third part of a Davate of Comalegie, viz. : a third part of Comalegie, Begishill, Steaniefeild, Wadderburne, Brumhill, Chappeltoun, Thomastoun and others in Drumblait. Held for feu-duty of 40/- from Lord Abirnethie of Saltoun. In non-entry since death of Walter Leslie, 8 March 1613.

## Aberdeenshire Sheriff Court :

1613.  
July 15.

**Curatory.** William Forbes, eldest lawful son of the late William Forbes of Pettallachie. The next of kin called were John Forbes of New, John Forbes at the Mill of Ripachie, John Forbes of Campbell, Robert Skeen of Tillibirlache, Robert Cowttis of Auchtercowll and Alexr. Forbes in Belgrein. The minor chose Mr. Duncan Forbes of Lethintie, John Forbes of New, Robert Cowttis and Robert Skeen. The last named was present and accepted office. The Sheriff depute ordained the minor to bring in the others to accept office.

31. **Special Service** (*Ing. Spec. Abd.* No. 587). Wm. Gordoun of Abirzeldie to Alexr. Gordoun of Abirzeldie, his father. The lands of Stering in the Lordship of Huntly, by annexation, held blench of the Marquis of Huntly. The lands called Lurgis in the parish of Migmar and Barony of O'Neill, formerly held of the Rectors of Kincardine O'Neill, canons of the Cathedral Church of Abd., afterwards of the Crown, in feu farm, for payment of 40/- and certain feudal services. In non-entry since death of ancestor in July 1594. His widow, Janet Irwing, was conjunct fiar of Stering.

Sept. 15. **Special Service** (*Ing. Spec. Abd.* No. 588). Patrick Forbes to Margaret Forbes, wife of James Forbes of Lethintie, his mother. The superiority of the lands of Lethintie in the parish of Logiedurno. Held blench of the Crown. Margaret Forbes died in Novr. 1607.

Oct. 5. **General Service** (*Ing. Gen.* No. 8514). Wm. Straquhan of Tibbertie to John Straquhan of Tibbertie, his father.

Novr 6. **Special Service** (*Ing. Spec. Abd.* No. 590). John Leslie to John Leslie, portioner of Buchanstoun, his grandfather. Buchanstoun, Ardoyne, &c. in the Regality of the Gareochie. Held of the Crown for service of ward and relief. In non-entry since death of ancestor in March 1609.

Decr. 7. **Service—Tutary.** Wm. Stewart, lawful son of the late Alexr. Stewart, formerly in Auchindren. James Stewart, burgess of Abd., the nearest relative on the father's side, found entitled to office of Tutor.

**Service—Tutary.** James Stewart, also son of the said Alexr. Stewart. James Stewart, burgess, Tutor here also.

**Special Service.** Alexr. Pantoun, burgess of Abd. to Wm. Pantoun, burgess, his paternal uncle. Shadow half of Auld Slianche in the Barony of Drumblait. Held blench of James Gordoun of Lesmoir. Old value 5/- Present value 20/- In non-entry since death of ancestor in Sept. 1586. (*Vide* 29 Novr. 1615, *infra*.)

21. **Special Service** (*Ing. Spec. Abd.* No. 591). Andrew Herwie of Elrik to James Herwie of Elrik, his father. The lands of Tillimald, Swaillend and Auld Gowill in the Barony of Moniacabok, held of the Crown for service of ward and relief. In non-entry since death of ancestor in Novr. 1582. Reserving the rights of Henry Gordoun of Dilspro, Mr. James Forbes of Woidland and George Currou of Swaillend.

**General Service** (*Ing. Gen.* No. 8524). Thomas Lumisden to Mr. Thomas Lumisden, Rector of Kinkell, his father.

## Diet Books: Vol. VIII., Part II., Contents

- <sup>1614.</sup>  
April 22.     **General Service.** Robert Skein, portioner of Auchtermuchtie to Mr. James Skein of Waster Corse, his father. Robert Skein's mother was Elizabeth Straquhan, his father's second wife.
- May 17.     **Special Service.** John Liddell to Mr. Duncan Liddell, Doctor of Medicine, his brother. The town and lands of Pitmedden, with salmon fishing on the Don, &c. in the Thanedom of Kintore, held of the Crown in feu, for payment of £7. Dr. Liddell's death took place in Decr. 1613.
24.     **General Service** (*Inq. Gen.* No. 8532). Mr. Matthew Lumisden to Alexr. Lumisden formerly of Drumlasie, his father.
26.     **Curatory.** Gilbert Irwing and John Irwing, lawful sons of the late Gilbert Irwing, sometime of Auldquhat. The next of kin called were James Irwing of Aucheoche, Wm. Irwing of Beltie, John Irwing of Artamfurd, Mr. Alexr. Irwing, Advocate, Thomas Meingzeis of Cultis, Alexr. Rutherford, Provost of Abd., Paull Meingzeis of Kinmoundie, Mr. Thomas Meingzeis of Balgownie, and George Nicolsone, Baillie burgess of Abd. Gilbert Irwing chose Mr. Gavin Douglas of Brigfield and James Irwing of Aucheoche, while his brother, John, chose John Irwing of Artamfurd and Baillie Nicolsone. These accepted office and became cautioners for each other.
- June 8.     **Special Service** (*Inq. Spec. Abd.* No. 133). Patrick Forbes to Wm. Forbes of Petsligo, his grandfather, as in right of his mother, Margaret Forbes, the elder daughter of Wm. Forbes. Lands of Lethintie and mill, also Auchincleith in the parish of Logie-durno. Held blench of the Crown. In non-entry since death of ancestor in April 1567. The heir was the son of Margaret Forbes, one of the two daughters of Wm. Forbes, and succeeded along with his aunt, Janet Forbes. (*Vide next entry.*)
- Special Service** (*Inq. Spec. Abd.* No. 134). Janet Forbes to the same. As in preceding entry.
29.     **Curatory.** James Keyth, lawful son of George, Earl Mershell and Dame Margaret Ogilwie, his wife. The next of kin called were Sir Robert Keyth of Benholme, knight, William, Lord Keyth, James, Lord Ogilwie, and Mr. David Ogilwie of Petmowies. The minor chose William, Lord Keyth, Sir Robert Keyth, Mr. David Ogilwie and John Keyth of Cowntoun or any two, of whom John Keyth to be one.
- July 1.     **General Service** (*Inq. Gen.* No. 571). James Gordoun in [?] of Drimmeis to Alex. Gordoun, sometime in Scheildrein, his paternal uncle.
12.     **Service—Terce.** Katherine Jaffray, widow of Wm. Andersone at Mill of Turriff. Her terce of Mill of Turriff, &c. in the parish of Turriff.
16.     **Curatory.** Robert, Alexr., Gilbert, Isobell and Janet Johnestoun, lawful children of the late Patrick Johnestoun, sometime of Moistoun. The next of kin called were Arthur Johnestoun in Auchindarg, John Johnestoun in Drumbreck, John Arbuthnot of Carnegall and Normond Arbuthnot, his brother. The minors chose John Gordoun of Chappeltoun, John Stewinsone in Carnecowlie and Walter Haliburtoun in Clochorbie, who accepted, and, as was common, became cautioners for each other.



## Aberdeenshire Sheriff Court :

- <sup>1614.</sup>  
July 23.     **General Service** (*Inq. Gen.* No. 573). John Hay to William Hay of Littill Arnage, his father.
- Special Service** (*Inq. Spec. Abd.* No. 135). John Hay to William Hay of Littill Arnage, his father. Cremondmogat, &c. in the Barony of Cremondpark as heir. Also Littill Arnage, &c. in Barony of Slains, as heir male. The former lands held blench of Alexr. Hay of Logie. The latter held blench of the Crown. In non-entry since death of ancestor in April 1613.
- Octr. 6.     **General Service.** Marjorie Stewart to James Stewart in Rannallachie, her father.
- Novr. 2.     **Service—Terce.** Jeane Chalmer, widow of Mr. Robert Mar, burgess of Abd. Her terce of the shadow half of Middill Ardo, &c., in the Barony of Belhelvie.
23.         **Curatory.** John Forbes, apparent of Lethintie, son of Mr. Duncan Forbes of Lethintie. The next of kin called were Wm. Forbes of Monimusk, elder, Wm. Forbes of Portlathin, Alexr. Skein of that Ilk, George Johnestoun of Caskieben, Gilbert Johnestoun of Owertoun and Robert Johnestoun of Cremond. The minor appearing, along with his father, chose Henry Forbes of Newhills and Wm. Forbes, burgess of Abd., son of the late Baillie Alexr. Forbes, conjunctly and severally. Mr. Duncan Forbes, the father, became cautioner for the Curators.
30.         **Service—Terce.** Elizabeth Gordoun, widow of Andrew Richie in Cowll. Her terce of Tonley in the parish of Cowll.
- <sup>1615.</sup>  
Jany. 21.     **Special Service** (*Inq. Spec. Abd.* No. 136). Robert Gardyne in Balgersho to Robert Gardyne, formerly of Blairtoun, his father. The ecclesiastical lands of Blairtoun, &c. In non-entry since death of Robert Gardyne in April 1584 (1) in the hands of Mr. Patrick Gardyne, Rector of Belhelvie, who died in July 1614, to the passing of the Act of Annexation in 1587, and (2) after that date in the hands of the Crown.
- Febry. 1.     **Special Service.** Robert Forbes, immediate younger brother of John Forbes in Milboy, to his nephew Andrew Forbes, son of his said brother John. The shadow half of the three part lands of Blairneill, *vulgo* the three quarter lands thereof, extending to 12 oxgait, in the Barony of Steaniewod and Muchell. Held blench of Andrew Fraser of Steaniewod and his heirs. Old value 10/- Present value 40/- In non-entry since death of ancestor in 1613.
22.         **Service—Tutury.** George Ailhous, lawful son of the late Arthur Ailhous, inhabitant of Old Abd. His grandfather, James Ailhous in Old Abd. appointed Tutor.
- Service—Tutury.** Christian Ailhous, sister of the above George. Her grandfather, the said James Ailhous, appointed Tutor.
- March 8.     **Service—Tutury.** John Forbes, lawful son of the late George Forbes in Owerbairnes. John Forbes of Bairnes appointed Tutor.
- Service—Tutury.** Wm. Forbes, second lawful son of the above. John Forbes of Bairnes appointed.

## Diet Books: Vol. VIII., Part II., Contents

- <sup>1615.</sup>  
 March 8. **Service—Tutory.** Margaret Forbes, lawful daughter of the above. John Forbes of Bairnes appointed.
- General Service** (*Inq. Gen.* No. 590). George Annand to Mr. Wm. Annand of Collihill, his father.
- April 19. **Curatory.** John and Elizabeth Forbes, lawful children of the late John Forbes of Ardmuldo. The next of kin called were Alexr., Bishop of Cathnes, Wm. Dalgardno of Garnestoun, George Dalgardno his brother german, John Forbes of Culquhork and Alexr. Forbes of Auldtoun of Towies. The minor, John Forbes, chose Capitane Arthur Forbes of Towies, Mr. Gawin Dowglas of Eister Barras, John Lumisden of Tullicarne, John Calder of Migwie and John Forbes of Culquhork or any three, John Calder being one. Elizabeth chose Captain Forbes, Dowglas, Lumisden, Culquhork and Alexr. Calder of Asloun or any three. Of these, Dowglas, Lumisden, John Calder and Forbes of Culquhork were present and accepted office.
- May 16. **General Service** (*Inq. Gen.* No. 8540). George Currou of Swailend to John Currou of Durne, his great great grandfather. The ancestor died in the reign of James IV.
26. **Curatory.** Wm. Maitland, eldest lawful son of the late Mr. Robert Maitland of Monlatie. The next of kin called were Mr. Patrick Maitland of Auchincriff, Walter Maitland in Foterletter, Andrew Meldrum of Jaxtoun and James Hay in Murefauld. The minor chose Mr. Patrick Maitland and James Hay as his Curators.
- June 28. **Service—Idiotrie** (*Inq. de. Tut.* No. 214). David Torrie, formerly at Mill of Boquhennachie. The jury found that Andrew Torrie in Balnakellie, the elder brother of David, was the person entitled to the office of Tutor. [*Supra* 10 Sept. 1610, p. 62].
- Protestation.** Margaret Meldrum, wife of David Torrie, protested for the appointment of Tutors dative to her husband, in respect that his brother Andrew would not take up the office. [*Supra* 10 Sept. 1610, p. 62].
- July 12. **General Service** (*Inq. Gen.* No. 601). Mr. Patrick Maitland of Carnefechill, to Mr. Robt. Maitland of Carnefechill, his father.
- Special Service** (*Inq. Spec. Abd.* No. 138). Mr. Patrick Maitland of Carnefechill to Mr. Robert Maitland, his father. Culshe, &c. in the Barony of Fedderet. Held of the Crown for service of ward and relief. Also Carnefechill, Auchinlek, Mill of Fechill, &c., and lands of Pettrichie in the Barony of Tarves and Regality of Abirbrothok, held of the Crown in feu farm. In non-entry since death of Robert Maitland in Oct. 1614.
26. **General Service.** James Cheyne to John Cheyne, at one time portioner of Bathelnie [or ? Belhelvy], his father.
- Augt. 1. **General Service.** John Leslie to Patrick Leslie, at one time of Chappeltoun, his father.

## Aberdeenshire Sheriff Court :

1615.

Octr. 3. **Special Service** (*Inq. Spec. Abd.* No. 140). George Crawford to Wm. Crawford of Annachie, his father. Annachie, &c. Held blench of Alexr. Irwing of Drum. In non-entry since death of ancestor in Novr. 1605.

15. **Revocation.** George Johnnestoun of Caskieben made a general Revocation, and also a special Revocation of a Disposition made by him in minority to Wm. Forbes of Tolquhone and Janet Ogilwie his wife, of the lands and barony of Wattertoun, salmon fishing on the Ithan, &c. in the parish of Ellon.

Novr. 1. **Service—Terce.** Annas Leslie, widow of James Leslie, far of Otterstoun. Her terce of the dominical lands of Mains of Leslie, &c. in the Barony and parish of Leslie.

29. **Special Service.** Alexr. Pantoun, burgess of Abd. to Wm. Pantoun, burgess of Abd., his paternal uncle. The shadow half of Auld Sleache, in the parish of Drumblait. Held blench of James Gordoun of Lesmoir. Old value 5/- Present value 20/- In non-entry since death of ancestor in Sept. 1586. (*Vide 7 Decr. 1613 supra*, p. 68.)<sup>1</sup>

**Special Service.** Robert Mar to Mr. Robert Mar, his father. Meikle Ardoch in the parish of Belhelvie. Held blench of Patrick, Earl of Kinghorne. Old value 20/- Present value £4. In non-entry since death of ancestor in June 1614. Reserving the liferent right of Jeane Chalmer, the deceased's widow. (*Vide 2 Novr. 1614 supra*, p. 70.)

**General Service** (*Inq. Gen.* No. 610). Thomas Johnnestoun to John Johnnestoun of that Ilk, his father.

1616.

Jany. 9. **Curatory.** Robert Duguid, eldest lawful son of the late Wm. Duguid in Ward of Slains. The next of kin called were Wm. Duguid of Auchinhuiff, John Duguid his brother, George Hay lawful son of Alexr. Hay of Brunthill, Mr. Patrick Hay his brother. The minor chose Wm. Duguid of Auchinhuiff, John Hay of Ardlethin and Patrick Con of Auchry or any two of them. John Hay was present and accepted office. His cautioner was George Bruce, "saidler burges of Abd."

Febry. 28. **Special Service** (*Inq. Spec. Abd.* No. 142). Wm. Seatoun of Blair to Wm. Seatoun of Blair, his father. Sunny half lands of Ruddrestoun, with fishings, in the parish of Saint Machar. Held in feu and heritage from Crown, for payment of a silver penny if asked only. In non-entry since death of ancestor in Novr. 1608.

March 26. **General Service** (*Inq. Gen.* No. 630). James Dempster to John Dempster of Knokleyth, his brother.

**Special Service** (*Inq. Spec. Abd.* No. 143). James Dempster to John Dempster of Knokleyth, his brother. The sunny third part of Knokleyth, in the Barony of Auchterles-Dempster. Held of the Crown in feu and heritage for services used and wont. Also the shadow half of Logie Auldtoun, mill and others in the Barony of Auchterles-Meldrum. Held of George Meldrum of Haltoun of Auchterles, in feu farm for duty of 10 merks. In non-entry since death of ancestor in Augt. 1615.

1 The Editor can find no explanation for this second service, unless by supposing that the previous one had been forgotten about.

## Diet Books : Vol. VIII., Part II., Contents

1616.  
April 9.      **General Service.** James Clerk in Ardiffrie to Gilbert Club, his maternal uncle.
- May 15.      **General Service.** Patrick Gordoun of Bountie to Alexr. Gordoun of Bountie, his father.
17.      **Service—Terce.** Lady Anna Murray, Countess of Kinghorne. Her terce of Kingseat, with advocacy and right of patronage of Belhelvie. Also Over and Nether Mondurnoch and others in the Barony of Fyvie and Regality of Abirbrothok. Without prejudice to the right to the lands of Easter Ardoch, granted by the late Earl to the late Robert Mar, burgess of Abd., and Jeane Chalmer, his wife. (*Supra* pp. 70 and 72.)
- Special Service** (*Inq. Spec. Abd.* No. 144). John Forbes of Tulloche to Robert, Commendator of Monimusk, his father. Tilliriauche and Tullocheweinis in the Barony of Clunie. Held of Arthur, Lord Forbes, and his heirs male in feu farm for payment of £8. The lands of Tillifour and mill, &c. in the parish of Monimusk. Held blench of Lord Forbes. Bowak and mill, &c. held of the Crown, by annexation of church lands, for payment of £7 10/- In non-entry since death of ancestor in Febyr. 1616. Reserving to Agnes Forbes, the widow and conjunct fiar, her liferent rights.
- General Service** (*Inq. Gen.* No. 638). Captain John Gordoun, son of Captain Alexr. Gordoun to Jean Gordoun, Lady of Rothimarkus, his father's sister.
- June 25.      **Curatory.** Johne Forbes of Tulloche. The next of kin called were Arthur, Lord Forbes, James Forbes of Lethintie, Patrick Forbes of Corse and Mr. Wm. Forbes of Meanie. The minor chose Patrick Forbes of Corse, George Currou of Swailend and Wm. Duguid of Auchinhuiff or any two, of whom Patrick Forbes must be one. All three were in Court and accepted office.
- Service—Terce.** Agnes Forbes, widow of Robert, Commendator of Monimusk. Her terce of the lands of Bowak, mill and mill lands of the same, in the parish of Monimusk. (*Vide Supra*.)
- July 17.      **Special Service** (*Inq. Spec. Abd.* Nos. 145 and 146). Peter Blakburne to Peter Blakburne, Bishop of Aberdeen, his father. Lands and Barony of Dyce. Lands and Mill of Dunnidur and lands of Rothmurriell in the Regality of the Gareochie. Held of the Crown in feu farm. Also Kirkton of Dyce, &c. Held of the Archbishop of St. Andrews in feu farm. Also part of Meikle Endovie, in the parish of Alford, held of Wm. Forbes of Corsinday in feu farm. In non-entry since the death of the Bishop on 14 June immediately preceding.
- Octr. 2.      **Curatory.** Margaret, Elspet, Janet and Isobell Blakburne, daughters of Bishop Peter Blakburne. The next of kin called were Mr. Archibald Blakburne, Minister at Abd., Mr. Peter Blakburne son of the Bishop, George Johnestoun of that Ilk and Gilbert Johnestoun of Frosterhill. Margaret chose Mr. Duncan Forbes of Lethintie, Mr. Archibald Blakburne and Gilbert Johnestoun, of whom the last two named must be two. Elspet chose Robert Johnestoun of Cremond and Gilbert Johnestoun. Janet chose Mr. Duncan Forbes and Mr. Archibald Blakburne, while the choice of Isobell fell on Mr. Duncan Forbes and Mr. Patrick Guthrie. The only two who were present and accepted office were Mr. Duncan Forbes and Mr. Archibald Blakburne.



## Aberdeenshire Sheriff Court :

- <sup>1616.</sup>  
Decr. 4.      **Special Service.** Patrick Gordoun to Alexr. Gordoun of Bountie, his father. The croft in the Barony of Kincardyne O'Neill, of old called "Alexr. Sangis croft." Formerly held of the Rector of Kincardyne O'Neill, thereafter of the Crown in feu farm for payment of 37/- In non-entry since death of ancestor in August 1584.
- <sup>1617.</sup>  
Febry. 12.      **General Service** (*Inq. Gen.* No. 676). Margaret Gradane to Margaret Walker wife of Edmond Gradane in Kinloche, her mother.
20.      **General Service.** George, Earl Marischal, as heir of conquest to Sir Robert Keyth of Benholme, knight, his brother german.
- April 29.      **Special Service** (*Inq. Spec. Abd.* No. 149). Patrick Hepburne to Patrick Hepburne at Mill of Abirdour, his father. Lands of Ferihill, &c. in the parish of St. Machar. Held formerly of the Minister of the Monastery of the Holy Trinity of Aberdeen, as part of the patrimony of the Monastery, and thereafter of the Crown in feu farm, for payment of £20. In non-entry since death of ancestor in Decr. 1616. Reserving to Janet Cheyne the widow and conjunct fiar, her liferent right to the sunny half of Ferrihill, etc.
- June 4.      **General Service.** Christian Robertstone, wife of John Blak, Shoemaker in Old Aberdeen to Gilbert Robertstone, her brother.
7.      **Special Service** (*Inq. Spec. Abd.* No. 151). Patrick Gordoun of Halheid to Patrick Gordoun of Halheid, his father. Halheid and Corquhunderland in Cushnie. Held of the Crown for service of ward and relief. In non-entry since death of ancestor in Decr. 1616. Reserving the rights of Janet Gordoun, the widow.
11.      **Curatory.** Thomas Gray, lawful son of the late Andrew Gray in Kemnay. The next of kin called were Wm. Gray in Isakstoune, Thomas Bruce in Rathaurald, Alexr. Melwill in Craigearne, James Melwill in Carnetradlene. The minor chose Thomas Bruce, for whom Walter Cheyne in Tullebin became cautioner.
- March 19.<sup>1</sup>      **General Service** (*Inq. Gen.* No. 689). Elizabeth Setoune to Alexr. Setoune, fiar of Meldrum, her father.
1.      **General Service** (*Inq. Gen.* No. 690). Elizabeth Setoune to Alexr. Setoune of Meldrum, her grandfather.
18.      **Special Service.** Thomas Craik in Lennie to Thomas Craik in Dirahous of Rethin, his grandfather. The croft called the Dira Croft of Rathin in the town of Rathin and Barony of Phillorth. Held blench of Alexr. Fraser of Phillorth. Old value 6/- Present value 24/- In non-entry since death of ancestor in April 1605. Reserving to Agnes Park, his widow, her liferent right.
- July 23.      **General Service** (*Inq. Gen.* No. 700). Walter Mollysone to John Mollysone in Lachintullie, his father.

<sup>1</sup> These and a good many other services in the pages which follow were entered in the original out of their chronological order and are entered here in the same way.

## Diet Books: Vol. VIII., Part II., Contents

<sup>1617.</sup>  
July 23. **Special Service** (*Inq. Spec. Abd.* No. 152). Walter Mollysone to John Mollysone in Lachintillie, his father. Half the town and lands of Glak in the Barony of Muchell. Held blench of Andrew Fraser of Steaniewood. In non-entry since death of ancestor in June 1594.

Augt. 7. **Curatory.** William Forbes of Knapernay. The next of kin called were Wm. Forbes of Tolquhone, Mr. Walter Forbes of Auchridie, Wm. Hay of Delgatie and Walter Hay, indweller in Edinburgh. The minor chose Mr. Walter Forbes of Auchridie, John Forbes of Petnacaddell, John Johnestoune of Sleepiehillok, George Johnestoune of Fawalls, John Collisone of Auchlownies and John Hay of Cremondmogat, or any three, John Collisone being always one. Johnestoune of Sleepiehillok, Johnestoune of Fawalls and Collisone were present and accepted office.

Decr. 20. **Service—Tutary** (*Inq. Tut.* No. 266). Janet Allane alias Braber, daughter of the late John Allane alias Braber, in Sterling of Glenmuick. John Allane alias McBraber in Ballogie<sup>1</sup> was found entitled to the office.

**General Service** (*Inq. Gen.* No. 713). Christiane Cheyne to Mr. Francis Cheyne of Craigie, her father.

**Special Service** (*Inq. Spec. Abd.* No. 154). Christiane Cheyne to Mr. Francis Cheyne of Craigie, her father. The town and lands of Craigie-Tarves and "Grein hills of Craigie," &c. in the Regality of Abirbrothok. Held in feu farm of the Marquis of Huntly and his successors as Barons of the Barony of Tarvis, for payment of £10 19s. 10d., and with performance of certain feudal services. In non-entry since death of ancestor in October 1604.

<sup>1618.</sup>  
Jany. 13. **Special Service** (*Inq. Spec. Abd.* No. 155). George, Marquis of Huntly to George, Earl of Huntly, his grandfather. Parts of Coclarachie, &c. Held of the Crown for service of ward and relief. In the hands of the Superior since the death of ancestor in October 1562, being 55 years and 3 months, viz. : by reason of ward for 8 years and by reason of non-entry for 47 years and 3 months. The following 13 jurors sat upon the inquest :—James Cheyne, apparent of Arnage ; George Leyth of Overhall of Bairnis ; Mr. Robert Bisset of Lessindrum ; Alexr. Lyone of Brakey ; Alexr. Spens of Boddome ; Mr. Wm. Gordoun, son of George Gordoun of Coclarachie ; Thomas Gordoun, son of John Gordoun of Lentusche ; Mr. Robert Udnie of Tillicorthie ; James Gareoche of Kinstair ; Wm. Leslie of Littill Warthill ; Mr. Thomas Mollysone, common clerk of Abd. ; Alexr. Gordoune at Kethokismiln ; Wm. Udnie, fiar of Udnie.

**General Service** (*Inq. Gen.* No. 716). George Stewin, Baker in Abd. to Andrew Tulledaff of that Ilk, his maternal grandfather.

Feby. 18. **General Service.** George Edward to Andrew Edward in Bonnytoun, his father.

1. Probably the old Ballogie in Braemar, not the modern Ballogie in Birse.

## Aberdeenshire Sheriff Court :

1618.

Mar. 11. **Special Service** (*Inq. Spec. Abd.* No. 156). John Kinnaird to Patrick Kinnaird of that Ilk, his father. Kininmond and Perskow with house, garden and an acre of arable ground adjacent thereto, in the town of Corthiecome in the Barony of Slains. Held blench of Francis, Earl of Erroll. In non-entry since death of ancestor in Novr. 1616.

June 7. **General Service.** Wm. Lindsay to Mr. James Lindsay of Cushnie, his father.

March 25. **General Service** (*Inq. Gen.* No. 735). George Currou of Swailend to Andrew Currou of Inschedrour, his great grandfather. The ancestor died in the reign of James V.

**General Service** (*Inq. Gen.* No. 736). George Currou of Swailend to George Currou of Petskillie, his great great grandfather. The ancestor died in the reign of James VI.

July 15. **Special Service** (*Inq. Spec. Abd.* No. 157). William Woid to Alexr. Woid of Colpnay, his father. The sunny third part of Meikill Finnersie, Littill Finnersie and Monecht, &c. in the Lordship of Mar. Held of the Crown for service of ward and relief. In non-entry since death of ancestor in June 1614.

Octr. 6. **General Service.** Margaret Keyth to Magnus Keyth, portioner of Finnersie, her father.

Novr. 13. **Curatory.** Donald Farquharsone, lawful son of the late Donald Farquharsone of Tilliegarmond. The next of kin called were Robert Farquharsone of Feinzeane, Alexr. Farquharsone of Thome, David Farquharsone of Ba , James Gordoune of Knoke-spok and Wm. Gordoune of Aradowll. The minor chose Sir Alexr. Gordoune of Clunie, knight, James Gordoune of Knoke-spok, Wm. Gordoune of Kennertie, Alexr. Farquharsone of Tome, Robert Farquharsone of Feinzeane and James Farquharsone of Spittell, or any four, of whom Knoke-spok and Feinzeane were to be two. The laird of Feinzeane was present and accepted office.

**Curatory.** Janet Watson, lawful daughter of the late Robert Watson in Wod-toune. The next of kin called were David Watson in Sigget, Robert Barclay there, George Watson, Messenger in Turreff, and Hendrie Kemptie at the Mill of Tiftie. The minor chose David and George Watson for her Curators.

1619.

Jan. 12. **General Service.** James Grant to James Grant of Dilrossat, his father.

29. **General Service.** John Leslie, son of the late Patrick Leslie in Chappeltoun to Barthol Leslie in Chappeltoun of Leslie, his paternal uncle.

June 2. **General Service** (*Inq. Gen.* No. 839). Mr. Robert Gardyne to Mr. Thomas Gardyne of Blairtoun, his father.

Octr. 5. **General Service** (*Inq. Gen.* No. 858). Wm. Setone of Meldrum to John Setone of Meldrum, his brother.

## Diet Books: Vol. VIII., Part II., Contents

- <sup>1619.</sup>  
Octr. 5.     **Special Service** (*Ing. Spec. Abd.* No. 163). Wm. Setone of Meldrum to John Setone of Meldrum, his brother. The lands and Barony of Meldrum, &c. In non-entry since death of ancestor in July 1619.
6.     **Service—Terce.** Marjorie Innes, widow of Wm. Buchane of Dyce. Her terce of the Kirktoun of Dyce, with salmon fishing on the Don, Mill of the same, &c. in the Regality of St. Andrews.
- Service—Tutary** (*Ing. Tut.* No. 324). Jeane Buchane, lawful daughter of Wm. Buchane, burgess of Abd. Mr. Henry Buchane, burgess of Abd., found entitled to the office of Tutor.
- Service—Tutary** (*Ing. Tut.* No. 325). Marjorie Buchane, daughter of Wm. Buchane. Mr. Henry Buchane chosen.
- Special Service** (*Ing. Spec. Abd.* No. 164). James Heleburtone of Petcair [Petcu] to Sir James Heleburtone of Petcair, knight, his father. Half lands and Barony of Drumblait, &c. Held of the Crown for service of ward and relief. In non-entry since death of ancestor in Febr. 1619.
19.     **General Service** (*Ing. Gen.* No. 864). Mr. James Forbes of Haughtoun to Robert Forbes of Tollie [? Coulie], his immediately elder brother.
- Sept. 11.   **General Service** (*Ing. Gen.* No. 855). John Forbes of Leslie, as heir of conquest to Robert Forbes, portioner of Coulie, his immediately younger brother.
- Special Service** (*Ing. Spec. Abd.* No. 162). John Forbes of Leslie, as heir of conquest to Robert Forbes, portioner of Coulie, his immediately younger brother. Six ploughs of Culie, &c. Held blench of Wm. Forbes of Monymusk. In non-entry since death of Robert Forbes in July 1619.
- Jany. 3.    **Special Service.** John Lowsone, burgess of Abd. to Adam Lowsone, burgess of Abd., his brother. Two oxgait of the two sunny ploughs of Percock. One oxgait of the sunny plough of the shadow half thereof. Also one-seventh part of three oxgait of all three ploughs thereof. Old value 10/- Present value 40/- Held blench of Alexr. Fraser of Techmurie. In non-entry since death of Adam Lowsone in Octr. 1618.
- <sup>1618.</sup>  
Augt. 19.   **General Service** (*Ing. Gen.* No. 770). George Leslie of that Ilk to Alexr. Leslie of that Ilk, his great grandfather. Alexr. Leslie died in the reign of Mary, Queen of Scots.
- Special Service** (*Ing. Spec. Abd.* No. 158). George Leslie of that Ilk to John Leslie of that Ilk, his grandfather. Church lands of Leslie, &c. Held formerly of the vicars of Leslie, thereafter of the Crown in feu farm for payment of 4 merks. In non-entry since death of predecessor in Novr. 1592.
- <sup>1619.</sup>  
June 30.    **General Service.** David Skeddowne to Alexr. Mowat, his maternal grandfather.



## Aberdeenshire Sheriff Court :

1619.  
 Novr. 16.     **Special Service.** John Chein, lawful son of the late Gilbert Chein, formerly of Tilliburies to Wm. Chein, his father's brother. The lands of ?Owerhills in the parish of Kellie. Held blench of John Gordoun of Buckie. Old value 5/- Present value 20/- In non-entry since death of ancestor "in bello Muscovitano inter Pollones et Muscovitas" in 1614.
30.     **General Service** (*Inq. Gen.* No. 870). William Blackburne to Mr. Peter Blackburne of Endowie, his brother.
- Special Service** (*Inq. Spec. Abd.* No. 165). William Blackburne to Mr. Peter Blackburne of Endowie, his brother. Parts of Mekill Endowie in Alford. Held of the Crown in feu farm for payment of 20/- In non-entry since death of ancestor in Octr. immediately preceding.
17.     **General Service.** Thomas Gordone to Alexr. Gordone at Kethockismilne, his father.
- June 30.     **Special Service** (*Inq. Spec. Abd.* No. 161). George Leith to Gilbert Leith of Barnes, his father. The shadow part of Erlisfield in Premnay. Held blench of George Leslie of that ilk. In non-entry since death of ancestor in Octr. 1603.
- Decr. 16.     **General Service.** Elizabeth Fraser to James Brabner,                     in Abd., her maternal uncle.
1620.  
 March 2.     **General Service** (*Inq. Gen.* No. 894). James Crichtoune of Frendraucht to James Crichtoune of Frendraucht, his father.
- June 9.     **Special Service** (*Inq. Spec. Abd.* No. 167). Patrick Leith of Liklieheid to Wm. Leith of Liklieheid, his grandfather. Auchnagathill and others, described at great length. In non-entry since death of ancestor in June 1598.
- April 25.     **General Service.** George Baird of Auchmedden to Gilbert Baird of Auchmedden, his father.
- Special Service** (*Inq. Spec. Abd.* No. 166). George Baird of Auchmedden to Gilbert Baird of Auchmedden, his father. The lands of Auchmunziell, Carnebanno and others in the Lordship of Deir, now called Altrie. Held formerly of George, Earl Marischal, and now of Lord Wm. Keith of Altrie. In non-entry since March immediately preceding.
- June 7.     **General Service** (*Inq. Gen.* No. 900). Alexr. Craige to Wm. Craige of Craigis-fintraye, his father.
26.     **Special Service** (*Inq. Spec. Abd.* No. 168). Mr. James Skein to Mr. Gilbert Skein of Waster Corss, his father. Half lands Corsindaye, Carndaye, Badinley, Endovie, Badevin and Kebitie, all held of Alexander, Master of Forbes. In non-entry since death of ancestor in November 1616.
1621.  
 Jany. 10.     **Service—Terce.** Marjorie Innes, widow of Wm. Buchane of Dyce. Her terce of the lands of Petmedden in the parish of Dyce, fishing on Don and others.

## Diet Books: Vol. VIII., Part II., Contents

- <sup>1621.</sup>  
Jany. 31. **Special Service** (incomplete). Patrick Davidsone to Mr. Wm. Davidsone, burgess of Abd., his father. An annual rent of 100 merks, payable half-yearly at the feasts of Pentecost and St. Martin; but a page is missing, and the lands therefore not found.
- Date wanting. **General Service** (incomplete). John Muir to Katherine Muir, his paternal aunt.
- March 14. **Special Service** (*Inq. Spec. Abd.* No. 169). Wm. Gordone of Abirzeldie to James Gordone of Midmar, his paternal grandfather. Carntrailzean, with mill, &c. Held blench of James, Earl of Buchan. In non-entry since death of ancestor, "qui decessit in bello de Pinkie in mense Septembris" 1547.
- June 9. **Special Service**. Charles Chalmer to John Chalmer in Finray, his father. The lands of Corskie and Tillebrekie, being parts and pertinents of the lands of Corsindaye. As also the mill of Corsindaye in the parish of Midmar. Held in feu farm for payment of £4, formerly of Wm. Forbes of Corsindaye, but then of James Garioche of Kinstair and the heirs of the late Mr. Gilbert Skein of Waster Corss, in virtue "decreti appretiationis earumdem pro certis pecuniarum summis per dictum Gulielmum Forbes dictis personis suis creditoribus debitis et non solutis." In non-entry since death of ancestor in Novr. 1605.
- <sup>1620.</sup>  
Octr. 4. **Service—Terce**. Janet Ramsay, widow of Wm. Birnie in Fraserburgh. Her terce of the shadow half of the shadow third of Estir Tyrie, in the Barony of Phillorth. "Necnon in totis et integris quatuor solaribus lie dealls cum dimidietate alterius lie daill solaris partis terrarum de lie bank una cum umbrali parte lie rige de Sandeland vulgo sa maikle of the shaddow rige as the said four sone dails and shaddow half daill wyneis upone."
- <sup>1621.</sup>  
June 27. **General Service**. George Keith to Gilbert Keith in Lorstoun, his father.
- Special Service** (*Inq. Spec. Abd.* No. 170). George Keith to Gilbert Keith in Lorstoun, his father. The lands of Ower Cremongorthe in the parish of Cremonperk. Held blench formerly of Lord William Hay of Urie, then of Francis, Earl of Erroll. In non-entry since death of ancestor in Octr. 1618. Reserving to David Woid, fifth son of the late Archibald Woid of Middle Disblair, an annual rent of £40 out of the sunny third part of said lands. Also to James Woid, grandson of the said Archibald, an annual rent of £20 out of the shadow fourth part thereof. Also to Walter Woid, seventh son of Archibald, an annual rent of £20 out of the sunny fourth of the shadow half thereof.
- Octr. 31. **Special Service** (*Inq. Spec. Abd.* No. 171). Alexr. Skene to Janet Skene, his mother. Part of Auchtererne, &c. Held of the Crown for service of ward and relief. In non-entry since death of ancestor in March 1621.
- <sup>1622.</sup>  
Febry. 13. **Service—Tutory**. James Elphinstoun, son of John Elphinstoun of Warthill. Mr. James Elphinstoun of Bairnis found entitled to the office.
- Service—Tutory**. Alexander Elphinstoun, son of above. The said Mr. James Elphinstoun appointed.

## Aberdeenshire Sheriff Court

- <sup>1622.</sup>  
Febry. 27.     **Special Service** (*Inq. Spec. Abd.* No. 172). George Gordoune of Halheid to Patrick Gordoun of Halheid, his brother. Halheid and Corquhunderland in the parish of Cushnie. Held of the Crown for service of ward and relief. In non-entry since death of ancestor in Octr. 1621. Reserving to Janet Gordoune, mother of George, her liferent rights.
- March 13.     **Service—Tutory.** Thomas Mortimer, lawful son of the late Wm. Mortimer, Jun., in Logiedurnocht. Andrew Mortimer in Ryhill found entitled to the office.
- June 5.       **Special Service.** John Leslie of Petcapill to Duncan Leslie of Petcapill, his father. Kirktoon of Daviot, with the teinds, &c. in the parish of Daviot. Held feu of the Crown by annexation for duty of 19 merks. In non-entry since death of ancestor in Sept. 1602.
12.           **General Service** (*Inq. Gen.* No. 1030). Elizabeth Innes, wife of Lachlan Grant of Wester Elshois [? Elchies] to John Innes of Auchluncart, her grandfather.
14.           **General Service.** Thomas Mengzeis to Robert Mengzeis, formerly of Boighoill, burgess of Abd., his father.
- Service—Terce.** Isobell Forbes, widow of James Gordoune, fiar of Newtoune. Her terce of the lands and Barony of Newtoune of Wranghame, containing in special Newtoune of Wranghame, with grain and walk mill thereof, Kirktoone of Colsalmound, Leddinghame with mill, &c. with the customs of Saint Serf's market.
- <sup>1619.</sup>  
June 9.       **General Service.** James King to Wm. King of Barraucht, his father.
- Novr. 17.     **General Service** (*Inq. Gen.* No. 869). Isobell Forbes to Robert Alerdes of that Ilk, her father.
- <sup>1620.</sup>  
Jany. 26.     **General Service.** Francis Leslie to John Leslie in Keithnie, his father.
- <sup>1622.</sup>  
July 10.      **Special Service.** Jeane Buchane, one of the daughters and co-heirs of Wm. Buchane of Dyce, her father. Nether Dyce with the pendicles called Rethis and Glen, with salmon fishing on the Don, with privileges and pertinents, and specially those belonging to a free Barony, situated in the Thanage of Kintore. In special warranty of the foregoing, the lands of Dunnideir and mill thereof, Rothmurriell with the office of Bailliary of the Regality, situated in the Regality of the Garioch. Also Kirktoone of Dyce and others, with the jurisdiction of Bailliary of Regality, situated in the parish of Dyce and Regality of St. Andrews. The lands of Petmedden with the right of taking fish in the Don, &c. Nether Dyce, Rethis and Glen, held in feu farm from the Crown for payment of £8. Dunnideir and others held of the Crown in feu farm for payment of £40. Kirktoone of Dyce held of the Archbishop of St. Andrews in feu farm for payment of £6 13s. 4d. Petmedden held of the Provost and Baillies of Abd. in feu farm for payment of £6 and 84 bolls of victual, half meal, half malt, and other duties. The whole subjects in non-entry since death of ancestor in June 1619.

## The Minute Books of Judicial Enactments

### Vol. I., 1605-8

The foregoing was the title given to a series of eight volumes, covering the greater part of the period from 1605 to 1729, by those who caused the various Books to be cared for and freshly bound in the first half of the 19th century. Whether there ever existed older books of the same class or not cannot now be either affirmed or denied ; but, unquestionably, numerous instances of the kind of entries which they contain were, before the date at which this series opens, found scattered through the Diet Books. It may quite well be that the Sheriff Clerk who had begun specialization by opening a Decree Book in 1597 was now merely proceeding farther upon the same lines.

The name by which these volumes are called is quite fairly descriptive of their contents. They contain the record of appearances in Court by parties themselves, or by procurators for them duly authorised, for the purpose of declaring themselves bound *in facie curiæ* either to do or to abstain from doing certain acts. The obligation to stand security for an arrestee, that the goods or money arrested should be forthcoming in due course of law to the arrester, was a very common form of judicial enactment, as was also the obligation to produce an accused person for trial under a penalty. Of Renunciations and Discharges by married women, coupled with Ratifications on oath binding themselves not to challenge deeds granted by them or to which they were parties along with their husbands, or which had been granted by their husbands with some possible prejudice to their rights, there are a great number, most of them carried through in Court at Aberdeen ; but some, to suit the convenience of county ladies, on commission at their own residences in the country. Agreements or obligations to remove from land are also numerous. There are also occasional instances of the Registration of writings for execution.

In this class of Books of Court are naturally to be found more signatures than in any other, and where the parties could write they



## Aberdeenshire Sheriff Court

signed the entries. Many, especially in this volume, are unsigned. The Sheriffs depute sometimes signed, but not always, and it is difficult to account for their neglect to do so. Procurators who appeared in virtue of mandates for absent clients rarely did so. Although quite usual in subsequent volumes of this series, no instance of Notarial subscription has been observed in this volume. A few leaves would seem to be wanting at the beginning of the volume, which consists of 176 closely written pages.

## Table of Contents of Vol. I. of Minute Books of Judicial Enactments

1605.  
Novr. 18.     **Loosings of Arrestments.** Barbara Mowat, Lady Leisk, Wm. Leisk of that Ilk and George Gordoun of Bogbray *v.* Alexr. Forest in the Newtoun of Colliestoun. Claim for the rent and arrears of rent of Bogbray. Cautioner Andrew Reid of Colliestoun.

23.     Isobell Mar in Cowsteanis *v.* George Malis in Badindauche. Cautioner Mr. William Ray in Waster Fintray.

28.     George Dempster of Ordley *v.* Alexr. Forbes in Turref, Wm. Forbes his son, Thomas Chalmer there and Alexr. Chalmer his son. Cautioner Wm. Houstoun in Turref.

**Discharge and Ratification.** Christane Lumisden, one of the daughters and co-heirs of the late Mr. Robert Lumisden born to him and his wife Elet Keyth, and wife of Alexr. Duff of Torrisoul, in favor of Mr. Robert Lumisden now of Affleck. Mrs. Duff had certain rights under the Charter by which Mr. Robert Lumisden [presumably her brother] succeeded to the lands of Affleck, &c., which had been executed at Auchnacant on 4 March 1583. In consideration of certain sums paid to her, she, out-with her husband's presence, discharged her rights, renounced the exception "Senatus Consulti Velliani and all utheris introduct in favours of women," &c., and gave her oath not to quarrel this discharge. A right to a chalder of victual yearly was reserved. Her husband then appeared and consented, the signatures of them both and of the Sheriff depute being appended to the entry.

Decr. 10.     **Loosings of Arrestments.** George Dowertie in Archedlie *v.* George Barclay of Auchredie and Andrew Daudsone, George Lyell, Robert Philip and Patrick Cowesone, all in Auchredie. Cautioner Sir Patrick Barclay of Tollie, knight.

14.     James Dempster, portioner of Ordley *v.* James Mershell, Messenger. Here there was a written obligation granted by James Sinclér in Park of Fyvie as cautioner, which was presented for registration by Mr. Wm. Chalmer, Advocate.

16.     George Barclay in [? of] Auchredie *v.* George Douertie in Archedlie, John Douertie, elder, there, John Hendersone there, John Douertie, Merchant there, and Wm. Douertie in Lytill Meldrum. Here also there was a written obligation, granted by George Gordone, fear of Haddoch, as cautioner, which was presented by Mr. Robert Paip, Advocate.

30.     **Caution for Fulfilling a Marriage Contract.** Duncan Mar in Newseit of Tolchone *v.* Andrew Akin in Kirkhill of Fowerane. Akin had apparently married Margaret Mar, daughter of Duncan Mar, and by this act Mr. John Irwing in Owerhill of Petgirsschoche became cautioner for "the furthe freing of certane heids of ane contract of matrimonie maid" between them.

## Aberdeenshire Sheriff Court :

1606.  
Jany. 2.     **Theft.** The Procurator Fiscal (Mr. Wm. Barclay) *v.* William Walker in Thundertoun. Henry Middiltoun of Clackhill was surety that accused would appear on 21 January, on a charge of stealing from Andrew Fraser of Stanewod of "certane guidis geir pleuch irneis and pleuch geir and for sic uther capital cryms as sal be laid to his charge."
6.     **Loosings of Arrestments.** Dame Elet Gordoun, Lady Kinmundy, and Mr. Robert Gordoun her son *v.* Alexr. Gordoun in Avachie. Sums of money arrested in the hands of John Bruce and Andrew Wodman, indwellers in Smallburne. Cautioner Robert Innes of Elrick.
13.     Alexr. Irwing in                      *v.* Patrick Leslie, burgess of Abd. Cautioner John Leslie of Bolquhyne.
14.     Alexr. Fraser of Newforest *v.* James Mershell, Messenger, Robert Daudisoun in Quhytrassie, Robert Daudisoun in Lanschor, Thomas Chalmer in Turref, Alexander Chalmer his son, Wm. Forbes, Merchant, Wm. Messer, Messenger. Cautioner Alexr. Forbes in Turref.
23.     John and Arthur Cheyne *v.* John Duncan, "Froster," in Fyvie. Cautioner James Mershell, Messenger in Fyvie.
29.     George Banerman of Watertoun *v.* Patrick Hay of Hadow. Two stacks of corn in the yard of Alexr. Wilcock in Ellon. Cautioner Gilbert Keithie of Auchheiris.
30.     George, Earl Mershell *v.* Patrick Bodie in Myir Syde. Cautioner George Quhytheid, burgess of Abd.
- Feby. 15.     Barbara Forbes, Lady Delgaty and Archibald Dowglis of Burnetill [or Burnetie] her husband *v.* James Inneis in Ardgrane. Cautioner Patrick Cruikshank in Erllseat. The arrestment was for rents for 1605 and 1606.
17.     Thomas Meldrum *v.* John Inneis of Logialtoun. Cautioner Robert Inneis of that Ilk.
19.     Patrick Maitland in Andet *v.* Nicoll Gib in Haddoch. A stack of oats belonging to Nicoll Gib and standing in the yard of James Gib in Lytill Meythlik. Cautioner James Birny in Tarves.
23.     Alexr. Walker, son of Gilbert Walker in Dudeweick *v.* Agnes Craigheid there, mother of Alexander Walker. Alexr. Walker had arrested in order to secure his legitim. Cautioner for the mother Wm. Kempt in Litill Arnage.
- March     George Banerman of Watertoun *v.* Mr. Robert Paip, Patrick Hay in Haddo and Henry Annand. Corn in barnyards at Ellon. Cautioner Gilbert Keythe of Aucheres.
4.     Wm. Irwing of Eister Beltie *v.* Thomas Duncane at the Mylne of Eister Beltie. The arrestment was to secure the landlord's claims against Duncane for not entering to the mill, which had been let to him, and for rent. Cautioner Alexr. Burnet, elder, burgess of Abd.

## Judicial Enactments: Vol. I., Contents

1606.

March 8. **Loosings of Arrestments.** John Raye, burges of Abd. *v.* John Cowper at the Mylne of Udnie. Raye had arrested in security of a claim of 100 merks. Cautioner Wm. Udnie of that ilk.

19. George Car in Benwellis *v.* Gilbert Daidson there. Car had arrested in security of the rent of Benwellis for crop 1603, 4, 5. Cautioner David Prait in Bathalhy.

James Dickie, Pyper *v.* Gilbert Tailzeour, Messenger in Birnes. 500 merks belonging to Tailzeour. Cautioner Andrew Crukschank, Messenger in Ellone.

20. **Bond of Assythment.** The widow and children of the late John Innes, sometime in Newburgh *v.* Wm. Chalmer, servitor to Wm. Blak in Newburgh. Mr. Robert Paip, Advocate, and Mr. Wm. Chalmer, Notary, became bound to pay £100 to George Innes and James Findlay in Newburgh, for behoof of the widow in liferent and the children in fee, in satisfaction for the death of John Innes at the hands of Wm. Chalmer. Both the obligants and John Gordone the Sheriff depute signed the entry.

**Removing.** James Settoun of Petmedden *v.* Alexr. Gray in Craig of Walethein [*? Allathein*]. Gray consented to remove from four oxengait instantly, but Marjory Sangster his wife was to be allowed to occupy the dwelling house until Whitsunday. Gray farther admitted £41 of arrears of rent, for which he dispoed "thrie oxin & twa key" to the landlord. Provision is made for the disposal of the surplus value of the animals should there be any.

26. **Loosings of Arrestments.** James Ogiluie of Birnes *v.* Agnes Craigheid in Dudwik. (*Supra* 23 Febr.) Ogilvie had arrested 2200 merks to which he alleged he had right, but of which Agnes Craighead claimed the liferent. Cautioner Wm. Kempt in Littill Arnage.

29. Gilbert Keithe of Auchires *v.* Margaret Innes and James Keithe, her husband. The arrestment was used in security of a claim for the "allegdit distroying doun cutting of the grein growing treis<sup>t</sup> within the yards of the lands of Auld Auchires and doun casting of the houssis" &c. Cautioner John Andersone in Dennies.

Apl. 9. Francis, Earl of Erroll *v.* Wm. Hay in Ludquharne. The arrestment was for the Earl's alleged right to the multures of the "cornis that is in the Gask of Cruden." Cautioner Mr. Wm. Ord, burges of Abd.

14. George Gib, burges of Abd. *v.* John Daidson, Tailzeour at the Kirk of Fyvie. The arrestment was for an alleged debt of £21. Cautioner Patrick Symson at the Pryors Milne of Fyvie.

15. **Act of Eviction and Possession.** John, Lord Saltoun *v.* James Mill. In virtue of letters from the Supreme Court, Lord Saltoun charged John Gordoun of Bogis, the Sheriff depute, to put in force a Decree of Removing at the instance of Alexr. Mowtray, burges of Abd. (to which he was assignee) against the tenants of "tua pleuches" of Mains of Drumbrek, and to put him in possession. The procedure upon the ground is given in the entry.

1 A Statutory offence severely punishable.



## Aberdeenshire Sheriff Court :

1606.  
April 18.

**Lawborrows.** Walter Jamesone in Tulloche *v.* James Philp in Owertoun of Dyce. Gilbert Johnnestoun in Owertoun was cautioner under penalty of £100. It was conditioned that if Philp removed at Whitsunday the cautioner was to be free by giving the Sheriff depute notice and entering him in the Tolbooth within 15 days before the term.

26. **Loosings of Arrestments.** James Merschell, Messenger *v.* Robert Schand in Ordley. Stocking and effects. Cautioner George Dempster, portioner of Ordley.

Andrew Cruickshank in Ellone *v.* Alexr. Willicok in Ellone. Crop, stocking &c. Cautioner David Kempt, Baxter, burgess of Abd.

**Act of Caution.** Elspet Eduard in Kirkton of Skeyne *v.* Isobell Alexander there. Alexr. Thome in Kirkton was cautioner to enter Elspet and James Thome in Kirkton of Skeyne "to abyd tryell for sic thingis as ma be laid to their chairge."

**Witchcraft.** Elspet Adame, wife of David Norie, for whom Thomas Youngsone, burgess of Abd. was cautioner that she should enter before the Sheriff or his deputes upon six days charge.

- May 1. **Removing.** Mr. James Forbes of Auchinclache *v.* James Riddell in Easter Echt. The subjects were "ane sone pleuche" described also as "the said sone aucht oxingait" of Easter Echt.

6. **Loosings of Arrestments.** John Andersone at Cristis Kirk *v.* James Andersone, Merchant in Dunneduir. Cautioner Alexr. Eduart, Merchant in Meikill Wardes. The claim was for 40 merks.

7. John Gray at the Milne of Leisk, George Gray his brother and John Davidsone in Balschamsie *v.* Alexr. Hucheon in Eister Auchlowchies. Cautioner Alexr. Leisk in the Maynes of Leisk.

16. **Accounting.** John Gray at the Milne of Leisk, George Gray his brother and other children and grandchildren of the late Jean Bruce in Auchquharnie *v.* Thomas Hay in Gask of Cruden. Cautioner James Bruce in Aythie.

30. **Loosings of Arrestments.** Wm. Leisk of that Ilk *v.* Patrick Cruikshank in Auchlaithin. Cautioner James Innes in Ardgrein.

- June 2. Magnus Mowat of Balquhollie *v.* John Barclay in Woidend. Cautioner Sir Patrick Barclay of Tollyie.

5. Robert Innes of Elrik *v.* Mr. Andrew Bedie in Fraserburgh. Besides the general arrestment there are mentioned "sic sowmes of monie as ar in the hands of Michael Fraser of Techmurie." Cautioner Gilbert Keith of Auchireis.

Andrew Reid of Collystoun *v.* Alexr. Wegins in Collystoun. What was arrested was "his biging doris windowis cupliis ruiffis and uthers belanging thairto standing upone the toun and lands of Dowbmyre of Collystoun." Cautioner Gilbert Wegins, Baxter, burgess of Abd.

## Judicial Enactments: Vol. I., Contents

1606.

June 5. **Loosings of Arrestments.** Mr. Samuel Keythe in Conzeik *v.* James Gray in Conzeik. Cautioner Gilbert Daudsone in Benwells.

6. Wm. Straquhan of Glenkindie *v.* Thomas Kennedy in Auchnagait. Cautioner George Gordoun of Dilspro.

The Laird of Frendraucht *v.* James and John Murray in Craynelocht of Frendraucht. Cautioner George Cruickschank of Tullymorgan.

John Gordoun of Sawok *v.* Alexr. Meldrum in Medabel and Arthur Meldrum his son. "Biginges doris windowis cupills panes ruiffis and uthers belanging thairto and standing" upon Medabel. Cautioner George Meldrum in Polquhyt.

7. Wm. Gordoun of Abirgeldie *v.* Alexr. Burnet of Leyes. Peats &c. cast upon the Hill of Fair and specially on the west part thereof. Cautioner George Gordoun in Inverrie.

Mr. John Leslie, Minister at the Kirk of Glenmuik *v.* James Gordoun in Keandtoris. The half vicarage of the Parish of Tullich belonging to Gordoun. Cautioner Archibald Scheves, burgess of Abd.

James Gardyne of Blakfuird *v.* John Smyth in Badaquhais. Cautioner John Gordoun of Tillichowdie. John Smyth, elder, in Littelfolle, father of the defender, joined in the obligation of relief.

Wm. Forbes of Petsligo *v.* Alexr. Clark in Nather Bunlay. Cautioner Alexr. Gordoun in Carnemurrey.

Wm. Forbes of Corsinday *v.* Alexr. Mylne in Kintochoer. Cautioner John Gordoun of Bracka.

Wm. Forbes of Corsinday *v.* Wm. Merse in Kintochoer. Cautioner John Gordoun of Bracka.

**Judicial Ratification.** Elspet Meingzeis, wife of James Brabner, burgess of Abd. James Brabner was holder of a wadset over the shadow half of Balhagartie extending to 12 oxengait, in security of 2250 merks, which John Erskine, fiar of the lands, was now repaying. Brabner's wife by this act ratified the redemption of the land, discharged her right of conjunct fee and all other rights she had, and renounced, as was usual, "all exceptiouns of the law quhairbe scho may cum in the contrair specialle Senatus Consulti Velleani and all uthers introducit in favours of women."

**Loosings of Arrestments.** Johne Keith in Auchtilair *v.* Wm. Faywie in Auchtilair. Cautioner Alexr. Fraser of Kindrocht.

9. George Craufurd of Anachie *v.* Wm. Mar in Anachie. Cautioner Alexr. Cheyne in Cauldwallis.

Wm. Keith of Pettindrum and Barclay his mother *v.* James Cruden at the New Mylne of Felorthe. Cautioner Robert Stewart in Invernorthe.

Wm. Hunter at the Mylne of Ferriehill *v.* Andrew Skeyne in Auchquhorrie. Hunter's claim was for abstracted multures. Cautioner John Forbes, burgess of Abd.

## Aberdeenshire Sheriff Court :

1606.  
June 9.

**Judicial Ratification.** John Forbes of New and Isobel Burnet his wife to Wm. Irving of Murthill. Forbes granted the receipt of £1000 for the redemption of "Wast toun in Cromar lyand within the parochin of Tarlen," and his wife as conjunct fiar ratified the redemption. The Contract of Reversion, Charter and Sasine were given up.

10. **Loosing of Arrestment.** John Ewin, elder and younger in Beildcrages *v.* Wm. Burnet in Banchorie. Cautioner, Alexr. Burnat, apparent of Cluny.

**Accounting.** Isobell Leisk, widow of Wm. Banerman in Nethir Aslied and Alexr. Kennedy her husband *v.* Walter, Patrick, Elspet, Marjorie and Agnes Banerman, children of the said Wm. Banerman, and George Banerman of Watertoun, their tutor. Cautioner John Gordoune, son of John Gordoune of Carnburrow.

**Submission and Decree Arbitral.** John Irving of Artamfart and John Irving of Haltoun, his father, on one part, and Mr. Alexr. Irving, Advocate in Aberdeen for himself and Elizabeth Irving, his lawful daughter, and for his other children on the other part. The subject in dispute was the Teind Sheaves of Pitmurchie. The submission was signed at Aberdeen and Corsinday 5 April 1606, and the Decree Arbitral was signed by Sir Alexr. Irving of Drum, the sole Arbiter, on 28 April following.

11. **Loosings of Arrestments.** Gilbert Baird of Auchmaiden *v.* Wm. Tailzeour in Clintertie. Cautioner Duncan Forbes of Bytht.

Alexr. Lasone in Creauche *v.* John Clark in Torreis. Cautioner John Leslie in Carnnye.

Mr. Wm. Reid, burgess of Abd. *v.* John Findlater in Tillimald and Andrew Findlater in Brachanes. Mr. Reid (presumably the Advocate of that name) was suing an action of eviction from Brachanes. Cautioner John Forbes of Tillichirie.

**Removing.** John Leslie of Wardes *v.* William Paull in Kirkton of Dyce. The tenant appeared and consented to remove from his holding.

17. **Loosings of Arrestments.** John Clark in Torreis of Touche *v.* Alexr. Lasone in Kreauche of Touche. Cautioner Thomas Straquhan, Flesher, and frieman of Abd.

Robert Innes of Elrik *v.* James Arthe, Cordiner in Annachie. Cautioner James Crawford in Kidhill.

28. Adam Gordoun in Boighoill, son of the late George Gordoun of Saphak *v.* Jeane Gordoun, widow of the said George Gordoun. "The haill wictuall pertaining to Jeane Gordoun, relict of umquhill George Gordoun of Saphak presentlie in ane kinnall of Boighheids and uther wictuall pertaining to the said Jeane." Cautioner John Gordoun of Ardlogy.

- July 3. Alexr. Coupland of Idoche, Elspet Efflek his mother, John Forbes of Bruxis, Wm. Coupland, Wm. Gordoun there, tenants of the Lands of Balchinnie *v.* Magnus Mowat of Bucholie and his tenants and servants of the Maynes of Bucholie, Kearthin and Yewbray. "The peitis fewaill fell douat and cornis sawin and cassin be the said Magnus and his saids tenants upon the lands callit the Glenhill." Cautioner James Mowat in Smydiescit.

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1606.

July 4. **Loosings of Arrestments.** Isobell Chein, mother of James Kenedie of Carmuk and wife of Magnus Mowat *v.* the said James Kenedie. "The pettis fewell feill and dowettis cassin be the said James and his servands in the moss of Carmuk" in the parish of Ellon. Cautioner Baillie William Gray of Abd.

Alexr. Abill in Glasgo and David Scot in the Cottowne of Hall of Forrest *v.* Walter Chein, brother of Mr. Patrick Chein of Ranestoun. Walter Chein's corns had been arrested at the instance of Abill & Scot "be the officiar of George, Erll Marschell at the command of his LL. [Lordship's] Baillie of the Baroneis of Kintore Skein and Kinellar for ane alledgit releiffe of ane half of ane seasing ox and thrie firloittis officiar corne." Cautioner Mr. Patrick Cheine, son of Mr. Patrick Chein of Ranestoun.

5. John Gordoun of Tillielt *v.* John Deuertie at Mylne of Pettie. The claim was for a penalty of £9 "for nocht heroching of certan corbellis in dew tyme." Cautioner Andrew Robertstone in Pettie.
8. Wm. Setoun of Disblair *v.* Thomas Bayerlay in Logie. Cautioner William Forbes of Logiefintray.
14. Gordoun of Blalak *v.* John Gordoun of Tillachoudie. Peats &c. cast in 1606 by Tillachoudie and his tenants in the moss and muir of Logie and Brume hill. Cautioner Mr. John Cheyne of Petfichie.
17. Alexr. Gordoun of Sueillend and Litill Gowill *v.* Wm. Forbes of Logiefintray. Peats &c. Cautioner Andrew Hervie of Elrik.
22. Mr. John Cheyne of Petfichie *v.* Henry Mowtray in Pervinnes, John Gordoun of Crabistoun and James Andersone in Chappiltoun of Steaniewoid. Cautioner Robert Stewart, burgess of Abd.
25. John Forbes of Camfell *v.* John Irving of Haltoun. Peats &c. within the Peirk-hill and Peirk lands of Haltoun and Craigtoun of Lumphannand. Cautioner Peter Irving in Cairinbadie.
28. John Leith of Harthill *v.* John Leslie of Petcapill. Peats &c. within the Moss of Rothemeas. Cautioner Thomas Murray, burgess of Abd.
- Wm. Leisk of that Ilk *v.* Andrew Ross in Fechill. Peats &c. in Moss of Fechill. Cautioner James Forbes of Lethintie.
30. James Findlay in Angoustoune, Annabell Troup, James Chessar and Helen Troup *v.* John Cuschnie in Murthill. Cautioner Robert Burnet in Robertstone.

John Gordoun of Tilliquhodie *v.* John Gordoun of Blelok. Peats &c. in the Moss of Brumhill and in the Moss at the back of Tornamuide. Cautioner Patrick Gordoun of Hallheid.

Mr. Thomas Nicolstone, Commissary of Abd. *v.* John Leyth of Edingerrak and Adam Gordoun of Boigholl. Peats &c. cast by Leyth and Gordoun and the tenants of Boigholl. Cautioner Alexander Cruikshank, younger, burgess of Abd.



## Aberdeenshire Sheriff Court :

1606.  
July 31.

**Loosings of Arrestments.** John Gordoun of Blelok *v.* Mr. James Leisk, Minister at Colstane. Peats &c. in the Moss of Brumhill. Cautioner Mr. Robert Paip, Advocate in Abd.

Augt. 9. James Ogiluie of Birnes *v.* Alexr. Walker at the Mill of Birnes. Cautioner Alexr. Hay of Brunthill.

**Lawborrows.** Wm. Forbes of Logiefintray and Thomas, Andrew and John Bauerleyis, William Thomsoun and Marjory Clark, his tenants *v.* Mr. Wm. Neilsoune, Minister of Fintray. The Minister had been charged by letters from the Court of Session not to molest these people in their persons or possessions; but it was arranged that the caution should be taken in the Sheriff Court, and Alexander Tilliedaff of Auchedlie was cautioner under penalty of 200 merks.

**Ratification Taken Under a Commission** (out of date). Isobell Cheyne, wife of Magnus Mowat of Buchollie. On 16 May commission was granted by the Sheriff depute and Sheriff Clerk to John Forbes of Gask and Wm. Ogstoun, Notary, as Sheriff depute and Sheriff Clerk depute respectively, to take the lady's Ratification of a wadset right granted by her husband over the Mill of Colp for 3000 merks in favor of James Raittie, elder, in Minamie. The commission was executed at Buchollie on 31 May, but there is no evidence to show on what date it was reported. The Sheriff depute ordered the report to be registered in the books of Court, which was done at this place.

12. **Loosings of Arrestments.** John Irving of Petmurkie *v.* John Farquharson in Clouack. Peats &c. on the west side of the Burn of Clouack. Cautioner Patrick Ross, younger of Auchlossin.

15. John Irving of Petmurchie *v.* John Mortimer of Cragiuar. Peats &c. cast by the laird of Cragiuar or his tenants of Knokandache or Baddindein. Cautioner Mr. John Lumisden of Cuschnie.

Wm. Stewart in Knowsteanis *v.* Thomas Johnnestoune, elder, burgess of Abd. The cornes sown by Johnnestoune or his tenants of Toux upon the "eist syid of the Reid burne." Cautioner James Fyane, burgess of Abd.

20. Adam Gordoun, portioner of Boghoill and John Leyth of Edingareaucht *v.* George, James and Alexander Cragheid in Kynmondie, James and Wm. Wischart there, George Forbes, James Hervie and George Tendell in Drumnagar. Whole corn sown and peats, &c. cast "upone the alledgit lands of Boghoill specialle upone the Middlehill of the same lyand on the estsyde of the saids lands besyde the Urlaburne and within the moss alledgit to be the Moss of Boghoill upone the northesyde thair of." Cautioner James Menzeis, burgess of Abd., whom Paull Menzeis of Kynmondie bound himself to relieve.

26. Gilbert Menzeis *v.* Thomas Kellie, burgess of Abd. Cautioner John Tullidaf, burgess of Abd.

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Augt. 29. **Loosings of Arrestments.** James Gordone, apparent of Lesmoir, Alexr. Rireis in Strathtodla, James Robertsons in Esseis, Alexr. Hay of Damheid, Andrew Robertsons in Esseis, Wm. Davidsone there, Thomas Hay and Andrew Smyth *v.* Wm. Watson of Haddoch and Andrew Watson, his brother. "The haill cornis sawin be thame" [in 1606] "upone ony pairt of the commouny of Rattrey specialle upone the southe pairt of the said commouny lyand upone the northe syde of the said toun and lands of Haddoch and west syde of ane seat callit the Knapperhillok and upone the commoun Lone of the said burghe quhillk passis southwest fra the said burghe to North Esseis and Crufhill." The cautioner was Thomas Mylne, Wricht, burgess of Abd.

30. Wm. Lorimer, burgess of Abd. *v.* Thomas Fiddes in Litill Arthath. Cautioner John Wilguss in Litill Arthath.

James Ogiluie of Blarak as proprietor of Auchleuchries *v.* Margaret Craigheid and the other tenants of Didweik. "The duffetis" [divots] "cassin by the arrestees." Cautioner James Ogiluie of Birness.

Sept. 1. Mr. John Mortimer and Elspet Divie his wife *v.* Gilbert Gray of Schives and his tenants of Cultis. "The faill cassin besyd the myre land syd allegit part and pertinent of the lands of Peillitsyde," which lands were said to belong to the female arrester in conjunct fee. Cautioner Thomas Meingzes of Cultis.

2. Robert Roch in Bandein and Duncan Forbes in Kirkton *v.* Wm. Maneacht in Tilleoch. Cautioner John Forbes of Wester Echt.

Wm. Forbes of Logie Fintray *v.* Thomas Johnstoun of Middil Disblair, burgess of Abd. "The cornis sawin be him" [Johnstoun] "upone the South syd of the Reid burne and [?] Isshohillis." Cautioner Alexr. Litster, burgess of Abd.

3. Nicoll Ross of Auchlossin *v.* Alexr. Duncane in Ester Tolmadis. Cautioner Arthur, Lord Forbes.

Gilbert Mengzeis of Petfoddells *v.* Gabriel Stalker, Maltman, burgess of Abd. Cautioner Andrew Rait, burgess of Abd.

Patrick Maitland at Bartholl Chappill *v.* Patrick Maitland in Knockleyth. Cautioner Malcolme Strathe in Knockleyth.

5. Gilbert Mengzeis of Petfoddells *v.* Thomas Fraser in Cultis. Cautioner James Gray, apparent of Schewes.

6. Wm. Watson of Haddoch *v.* James Gordoun, apparent of Lesmoir, Alexr. Rires in Strathtodlie, James Robertsons in Middleessie, James Smithe in Bilbo and Wm. Smithe there. Crop and peats sown and cast "upoun ony pairt of the lands of Haddoch propertie or commounie thairof specialle upone that allegit pairts thairof callit the Strathburne Brughfeidill moss Greinnesk and Dybill bray lyand upone the southe south-wast and wast pairtis of the saids lands of Haddoch and upone the northe pairt of the said towne at that pairt thairof callit the Heuche and Brekla-moss." Cautioner Adam Gordoune in Bogholl. (*Vide Supra* 29 August.)

## Aberdeenshire Sheriff Court :

1606.

Sept. 6. **Loosings of Arrestments.** Patrick Cruikshank in Erlisseat *v.* Wm. Adamson, sometime in Auchlethin, then in Craigheid of Percok. Cautioner George Adamson in Maynis of Sleanis.

James Forbes of Fechill *v.* Henry Annand of Orchartoun. Crop stocking, &c. which sometime belonged to the late Robert Wode in Auchindarge and which he had conveyed to the arrestee before his death. Cautioner John Wode at the Mill of Fintray.

Gilbert Mengzeis of Petfoddells *v.* Andrew Kyng, Advocate, burgess of Abd. Cautioner John Kyng, burgess of Abd.

9. Wm. Forbes of Monymusk *v.* Arthur, Lord Forbes and his tenants of Cowllie. "Cornis sawin be the saids tenentis at the eist syid of the Moss of Dillabe callit the Quhyt Hillokis." Cautioner John Craigheid in Fiddesbeige.

10. Marjorie Steuart, daughter of the late Robert Steuart in Ronallache, and John and Alexr. Collisone, burgesses of Abd., her Curators *v.* John Findlatour, sometime in Ard-fork, then in Cragie. Cautioner Mr. James Forbes of Woodland.

11. Gilbert Chalmer of Counteswallis *v.* James Strachin in Cultis. Cautioner Richard Irving, burgess of Abd.

12. Wm. Stewart in Cowstanes and Margaret Gardyne, his wife *v.* Henry Smart in Cowstanes and Wm. Materis, Wm. Woid and Isobell Malice there. The corn crop sown by the arrestees within the wood of Garvak. Cautioner Patrick Still in Haltounne of Fintray.

George Leslie of Crichtie and Gilbert Hendrie, burgess of Abd. *v.* James Thomsone. Cautioner Archibald Beanes, burgess of Abd.

Andrew Reid of Collestoun *v.* Alexr. Lorimer in Knappisleisk. Cautioner John Hay, burgess of Abd.

13. Wm. Leisk of that Ilk *v.* Alexander Thomsone in Tartie. Cautioner Patrick Cruikshank in Erillseatt.

Wm. Leisk of that Ilk *v.* Patrick Cruikshank in Erillseit. Cautioner Alexr. Cruikshank, brother-in-law to Alexr. Cruikshank, elder, burgess of Abd.

Wm. Stewart of Cowsteanis *v.* Wm. Forbes of Logiefintray and his tenants. "Cornis sawin be thame upone the wast syid of the Reid burne." Cautioner James Hervie of Elik.

Andrew Reid of Collestoun *v.* Alexr. Wilguis in Forvie. Corn crop arrested for the rent of the arrestee's occupation of Dubmyres. Cautioner Gilbert Wilguis, Baxter, burgess of Abd.

John Gordoun of Craibistowne *v.* Henry Forbes of Newhillis and John Robertsone, his tenant in Newhillis, alias Capilhill. "The cornis sawin upone the east syid of the hill of Bromoun." Cautioner John Forbes, Litster, burgess of Abd.

## Judicial Enactments: Vol. I., Contents

1606.  
Sept. 13.     **Loosings of Arrestments.** Magnus Mowat of Buchollie *v.* Alexr. Copland of Idoche and Elspet Efflek, his mother. "Cornis fewaill fell and douatts sawin schorn castin and win be thame respective upone ony pairt of the Maynis of Buchollie the Ubray and Keirthen." Cautioner Wm. Udnie of that Ilk.
16.     George Merchand in Pennieburne *v.* Wm. Kars in Crichie. This arrestment was in security of an alleged debt of 200 merks. Cautioner David Porteous in Frendrauche.
- Arthur, Lord Forbes and his tenants of Cowlie *v.* Wm. Forbes of Monymusk and his tenants of Dillab. The corn sown by the arrestees upon the South-West part of the lands of Cowlie "at that pairt callit the Blakhillok," and alleged to belong to the tenants of Cowlie. Cautioner Thomas Douglas, burgess of Abd.
- Elspet Effleck, Lady of Idoche as conjunct fiar of Idoche and Greiness *v.* Magnus Mowat of Buchollie. Corns sown and "fewaill, faill and douatts cassin" by the arrestee upon the lands of Kearthin and Yewbray. Cautioner James Mowat of Smiddiseat.
17.     Wm. Stewart in Cowstanis *v.* Henry Smart in Cowstanis, Wm. Materis, Wm. Woid and Isobell Mallace there. Corns sown within the wood of Garvak. Cautioner George Keith, Sadler in Abd.
18.     **Assault—Blood-drawing.** The Procurator Fiscal and Thomas Robertsons and Alexr. Lorymer *v.* Andrew Reid of Collistoun, Gilbert Reid his son and apparent heir, James Reid in Dubmyr, Patrick Snail, Andrew Snail his son, Gilbert Ranie, Patrick Barcar and John Pyat. Mr. Patrick Cheyne, burgess of Abd. was cautioner for the accuseds' appearance before the Sheriff on 24 September to answer to the charge of "hurting wounding and blude drawing dinging and striking" Robertsons and Lorymer, and also for loosing arrestment of goods and gear of the whole accused.
19.     **Loosings of Arrestments.** Wm. Stewart in Cowstanis and Margaret Gairdyne, his wife *v.* Alexr. Sommer and Thomas Bauerlay in Lairshill. Corns sown upon "the Southe syid of the Reidburne" claimed by Stewart and his wife. Cautioner Charles Robertsons, burgess of Abd.
20.     Patrick Leslie of Kincragie, George Leslie, fiar thereof, Isobell Leslie and Wm. Guthrie, portioners thereof *v.* John Forbes of Tillekirie, George Symsons and Elspet Ydill there. Corn sown by the arrestees upon the "Cornefauld and Outsettis of Tilliekirie," alleged to be part and pertinent of Kincragie. Cautioner James Forbes of Tillefour.
- Assault—Blood-drawing.** Janet Robertsons in Pettemuk *v.* Andrew Craigheid in Tillemaid. "Bloid drawing & dinging." Accused to appear on 2 November. Cautioner Wm. Lyell in Waterismure.
23.     **Loosing of Arrestment.** Alexr. Keith of Carnculter *v.* James Clark in Housahillis. Cautioner Andrew Clark, burgess of Abd.



## Aberdeenshire Sheriff Court :

1606.

- Sept. 25.     **Acknowledgment of Intimation of Trust.** William Forbes of Tulquhone in favor of Mr. Walter Donaldsone, son and heir of Alexr. Donaldsone, burgess of Abd. Consent by Tolquhone to the registration of an acknowledgment by him that Alexr. Burnet elder, burgess of Abd., to whom he had granted a Bond for 2000 merks, had intimated that the Bond really belonged to Mr. Walter Donaldsone.
- Octr. 2.     **Loosings of Arrestments.** John Leslie of Balquhane and Robert and Thomas Smith, his tenants in Blairdaff *v.* Henry, Walter and Wm. Farquhar and James Mestowne in Auchorsk. Corn crop on "ane peace of land callit the Gair Boig," alleged to be a pertinent of Blairdaff. Cautioner Thomas Murray, burgess of Abd.
4.     John Salbe in Gardyn *v.* Walter Troupe in Arnieboig. Cautioner Alexander Troupe in Murthill.
7.     John Forbes of Petsligo *v.* James Clark in Houssahill. Cautioner Sir Alexr. Fraser of Philorth.
8.     Robert Burnet, burgess of Abd. *v.* Andrew Stewin and Wm. Beanis, burgesses in Abd. The arrestees were said to have corn in their possession belonging to one Andrew Browne in Abd. Cautioner Wm. Seignziour, burgess of Abd.
9.     Lawrence Cheyne *v.* John Gordoun of Tillielt. Corn sown by the arrestee upon the "north wast syd off Braklay Tarves betuixt the myll lands and the [?] Auld burne of the New Mylne of Tillielt and upone the north syd of the Moss of Braklay" &c. Cautioner James Gordoun, younger of Tillielt.
17.     Alexr. Ross, burgess of Abd. *v.* John Mikell in Kincardyne. The claim for which the arrestment had been used is stated thus : "for the allegit cutting and away taking of the said Alexr. Ross his playding delyuerit be him to the said John Mikell and tane away as said is throw the said John his sleuth." Cautioner Alexr. Joffray, Baillie and burgess of Abd.
25.     **Renunciation and Discharge.** Katherine Gordone, widow of Wm. Setoun, portoner of Sklaittie, and wife of Patrick Gardyne in Banquhorie in favor of (1) John Gordoun of Crabistoun; (2) Mr. George Setoun, Chancellor of Abd., and Mr. Wm. Setoun, his nephew; (3) Alexr., Earl of Dunfermling, Lord Fyvie and great Chancellor of Scotland. Mrs. Gardyne discharged (First) All her rights in the Shadow half of Sklaittie, Mill of Sklaittie, Wagleye Croft, Millhill Croft and fishings, &c., in favour of Gordoun of Crabistoun (Second) Her rights in the lands of Bathelnie, Auld Mill of Bathelnie in favor of Mr. George Setoun and Mr. Wm. Setoun; and (Third) Her rights to the third part of Rothybirsben in favor of the Earl of Dunfermling. Her husband consented.
- Obligation for Annuity.** Mr. Wm. Setoun, son of the late Wm. Setoun of Sklaittie, as principal, and Berald or Barrell Innes, Citiner in Auld Abd., as cautioner, in favor of Katherine Gordone or Setoun or Gardyne designed in previous entry. As a consideration for the foregoing Renunciation and Discharge Wm. Setoun bound himself to pay to Mrs. Gardyne £100 Scots per annum for her life, and her husband consented that, as regarded the payment of it, his wife was to be held as *preposita negotiis* and her receipts as binding as if granted by him.

## Judicial Enactments: Vol. I., Contents

1606.  
Octr. 28. **Loosings of Arrestments.** John Wardes *v.* Robert Merse in Auld Abd. and Agnes Hervie his wife. Cautioner Andrew Hervie of Elrik.

John Bruce in Essilmont *v.* Alexr. Walker in Bischop-Birneis and Agnes Craigheid in Dudweik. Cautioner Alexander Hay of Brunthill.

29. Wm. Davie in Drumrossie *v.* John Andersone in Chrystis Kirk. Cautioner George Leang, burgess of Abd.

30. **Renunciation.** Nicolas Kinnaird, wife of John Gordoun of Petlurge, with her husband's consent, renounced in favor of Alexr. Gordoun of Cluny, son of the late Sir Thomas Gordoun of Cluny, Knight, her liferent right or any other right she might have in and to the Maynes of Newtoun of Gerry and others in the parish of Drumblait.

Novr. 1. **Renunciation.** Dame Helinor Bruce, Ladye Essilmonthe, renounced in favor of Sir Walter Ogilwie of Findlater, Knt., her rights to "the salmond fischingis of the Ithan betuixt Macher fuird or Macher Lyne on the said watter and the Soge fuird of Fyvie" with the nets, cobles, &c. The lady was to receive as a consideration a sum of 200 merks per annum for life, for payment of which John Forbes of Petsligo, Mr. Alexr. Cullan late Baillie, and Alexr. Jaffray then Baillie of Abd. were to be obligants.

**Bond of Relief.** John Forbes of Petsligo in favor of Alexr. Cullen late Baillie, and Alexr. Jaffray, Baillie of Abd. The obligation of which Cullen and Jaffray were to be relieved was the one for 200 merks per annum to Lady Elinor Bruce referred to in the Renunciation by her summarized in the preceding entry.

3. **Reset and Maintenance of a Person Accused of Manslaughter.** The Crown *v.* Thomas Elmslie in Newbredy, Wm. Mackrobie and Patrick Sandesone. The accused were charged with the alleged "reset and mantanence of George Mackrobie committer of the slaughter of umquhill George Duncansone." Cautioner Robert Manro, burgess of Abd.

5. **Loosings of Arrestments.** Wm. Kyng in Drumbrek *v.* George Annand in Orchartoun. The crop and effects of the late Robert Wode sometime in , in the hands of Henry Annand of Orchartoun. Cautioner David Kempt, Baxter, burgess of Abd.

7. John Sollan, servant to Nicoll Ross, Cordoner in Abd. *v.* George Irenshe, Cordoner there. Cautioner Andrew Hendersone, elder, Wobster in Abd.

8. The Sheriff & John Leith of Edingerauch *v.* James Wishart in Kinmondy. The arrestment had been used in order to secure satisfaction for the alleged "bloid drawing of David Glaster, servitor" to John Leith. Cautioner Thomas Bavrlay in Logyfinray.

10. John Leslie of Petcapill *v.* Wm. Cow. Cautioner James Gordoun of Brakay.

## Aberdeenshire Sheriff Court :

1606.  
Novr. 10.

**Loosings of Arrestments.** John Leith, son of the late Patrick Leith of Bregtoun *v.* John Leith, portioner of Premnay. Cautioner, Mr. John Lumisden at the Brig of Done.

Edward, Lord Bruce of Kinloss *v.* Wm. King in Drumbrek. The claim was for the alleged spoliation by King of the teind sheaves of his occupation in Drumbrek. Cautioner George Elphinstoun, Sadler in Abd.

Paull Meingzeis of Kynmondy *v.* Alexr. Craigheid in Kynmondy. The arrestee was said to have been "melling and intrometting with the teynd sheawes" of his occupation. Cautioner Andrew Craigheid in Kynmondy.

Henry Mowtray in Perwinnes *v.* James Andersone alias Walker in Steaniewoid. Mowtray claimed to be donator to the escheat of the arrestee. Cautioner Mr. Duncan Forbes in the Lettir of Skein.

12. **Renunciation and Discharge.** Janet Gordone, only lawful daughter and child of the late Thomas Gordone, sometime apparent of Kennertie and Katherine Gordone, his wife, now wife of Arthur Forbes in Engzean. In consideration of 1200 merks paid as dot and tocher to her husband with her by William Gordone of Kennertie, her uncle, Janet Gordone renounced all rights to Kennertie and fishings, &c. in Peterculter. Also to Braichlay, Balnacragis and Braeroddakis in Glenmuick. Also to the whole moveable estate of her father, mother, or John Gordone of Kennertie, her grandfather. Arthur Forbes consented.

**Assythment.** William and David Umphray, children of the late Patrick Umphray in Baikiehill and Helen Differie his widow, in favor of Thomas Meldrum in the Milne of Darley. The children with consent of Peter, Bishop of Abd., Mr. James Ross, Minister there, and Alexr. Chalmer, Messenger there, acting as their Curators for this purpose, and the widow, in consideration of £40 Scots and a boll and a half of meal yearly for four years discharged and forgave Meldrum. This act of Court was to be as effectual to Meldrum as a "Letter of Slains."

**Discharge of a Wadset.** George Leslie of Crichtie in favor of George Leslie of Auld Craig. George Leslie of Crichtie, as heir of conquest to Mr. Wm. Leslie of Warthill, his brother german, was in right of the Multures of Auld Craig, which had been disposed by Crichtie to Warthill under reversion of 500 merks. In consideration of 300 merks now paid in complete payment of the 500, Leslie of Crichtie declared the subjects to be redeemed and renounced all right to them.

13. **Discharge, Renunciation and Ratification.** George Gawyn at the Mill of Allathein and Isobell Setoun, his wife, in favor of Wm. Setoun of Eister Disblair. In consideration of 800 merks, being the amount of a wadset right constituted on 11 Febr. 1599, Gawyn declared to be redeemed from him and his wife by Setoun "All and Hail the half of the sone half lands of Logyruiff with the pertinentis sumtyme occupeat by umquhill Johne Hendersone lyand within the parochines of Logybuchane Udnie and Foverane." The act was ratified on oath in the usual way by Gawyn's wife.

# Judicial Enactments: Vol. I., Contents

1606.

Novr. 14. **Judicial Obligation.** Henry Mutray in Pervinnes as principal, John Leang and as cautioners in favor of Alexr. Craford of Rethin. The granters bound themselves conjunctly and severally to pay 100 marks to Craford two days before Martinmas 1607, under the penaltie mentioned in the entry.

17. **Loosings of Arrestments.** John Orum of Rubislaw *v.* Sarah Keyth, mother of George Leslie of that Ilk. Cautioner George Leslie of that Ilk.

20. Alexr. Cowpland of Idoche *v.* Wm. Cowpland at the Myll of Idoche. Cautioner Magnus Mowat of Buchollie. The allegation was that the arrestee had intromitted with "certane cornis" belonging to the arrester.

28. John Grey at the Myll of Leisk *v.* Thomas Duff in Abd. Duff was said to have abstracted the mill multures applicable to his occupation of Belskanfie. Cautioner Gilbert Hendrie, burgess of Abd.

29. **Assault—Blood-drawing.** John Falconer, servitor to the Laird of Petodrie *v.* John Mackisoun, Notary Public, son of Alexr. Mackiesoun of Inverurie. Cautioner George Leslie of Crichtie.

Decr. 1. **Loosings of Arrestments.** James Findlaw, Wm. Mathiesone and George Harie in Lessindrum *v.* George Gormak in Lessindrum. The arrestee was said to have been "melling and intrometting with the guidis and geir pertaining to umquhill Agnes Bissat sumtyme in Lessindrum mother to the said George left to be equalie distrabuttit amongis his bairnis." Cautioner Wm. Marshall in Garrae.

6. George Kar of Benvellis *v.* Gilbert Hendersone in Brunbrey. Hendersone was said to have been wrongously intromitting with goods and gear belonging to Kar. Cautioner George Keith of Clakreauche.

16. The Executors of Margaret Gordoun, Lady of Banadallache *v.* Elspet Gordoun, widow of Martin Clerk in Auld Abd. Cautioner Alexr. Gordoun, burgess of Abd.

19. **Renunciation and Declaration of Ownership.** Wm. Skeyne, burgess of Abd. in favor of Mr. Richard Irving, also burgess there. Skeyne declared that the Sow croft and one half of the Bread croft lying in the east Territories of Abd. had for divers years belonged to Irving, having been dispoened to him by Skeyne and Janet Donaldsone his wife.

22. **Loosings of Arrestments.** John Anderson, yor. in Chrystis Kirk *v.* John Andersone there. The arrestment was laid on in consequence of the alleged spuilzie by the elder man of "certane clathis and aboilziementis." Cautioner George Leang, burgess of Abd.

23. John Smith in Pettindrum *v.* Walter Greig there. To secure eleven years' duty of the Myll croft of Pettindrum. Cautioner James Greig in Pettindrum.

27. David Murdo in Seytoun *v.* John Reid, Skinner in Auld Abd. To secure payment of the price of a horse belonging to Murdo, which died while in Reid's possession. Cautioner Alexr. Lorne, burgess of Abd.

## Aberdeenshire Sheriff Court:

1606.  
Decr. 27.      **Renunciation and Ratification taken on Commission.**      Elspet Mowat, wife of George Crawford of Annachie, with consent of her husband, in favor of Magnus Mowat of Bolquhollie. Elspet Mowat, as the daughter of Patrick Mowat of Bolquhollie, had an infeftment over the Lands of Jakistounne and Yewbrae, in security of 3000 merks (presumably her portion). Her renunciation was taken at Turriff on commission by Mr. George Hay, Parson of Turriff, and William Ogistowne, Notary there, as Sheriff depute and Sheriff Clerk depute, specially appointed by the principal Sheriff depute and Sheriff Clerk. The commission is recorded immediately before the report.

1607.  
Jany. 3.      **Obligation of Relief and Disposition of Movables in Security.**      John Browne in Garthie in Fintray in favor of Thomas Bauerly in Larishill. This most interesting entry may be summarised under six heads :—(1) Browne's acknowledgment that Bauerly had become surety for repayment to Charles Robertstone, burgess of Abd., on Martinmas Eve 1607, of 100 merks, or failing payment then for payment on Martinmas day of 40 bolls of "Chereitit meill" at £5 per boll. (2) Browne's Obligation to relieve Bauerly. (3) For securing this obligation of relief, and in consideration of sums of money said to have been formerly received by him from Bauerly, Browne stated "that he hes sauld and disponit and be the tennour heirop . . . titulo oneroso sellis and disponis to" Bauerly "the number of Ten Nolt young and auld" at present in his possession on Garthie "viz sax blak oxin hornit ane blak gairit" [streaked] "kow hornit ane uther blak hornit kow and tua blak hornit steiris. (4) This was followed by a statement that delivery had been made in presence of witnesses upon the ground of Browne's farm, notwithstanding of which and upon the narrative that Bauerly had "nocht corne nor stray for sustentatioun of the said guidis this winter season" it was agreed (5) that they should be "fed and interteined" upon Browne's own place, but without prejudice to Bauerly's right to "mell and intromet" with them at pleasure. Finally (6) it was declared that, when the cautionary obligation took end, whether by payment to the creditor or to the cautioner, Browne was "to be frie of the haill contentis of this present Act" &c. The entry closes with an admonition by the Sheriff to both parties to fulfil their bargain under pain of poiding and horning on six days' charge.

**Loosings of Arrestments.**      Wm. Maxwell in Auld Abd. *v.* Andrew Joffray in Littill Meldrum. For the alleged "melling with certane butter" in the house of James Findlaw. Cautioner John Middiltoun, Baxter in Abd.

7.      Agnes Davidstone, lawful daughter of the late John Davidstone in Waster Fintray *v.* Robert Chalmer there. For the alleged non-payment to Agnes of her share of her father's estate. Cautioner Charles Chalmer in Waster Fintray.
8.      Thomas Meldrum, burgess of Banff *v.* Wm. Abirnethie and James Crukschank in Knokleyth. In security of such sums of money as might be found due in actions to be raised against the arrestees. Cautioner Alexr. Crukschank, younger, burgess of Abd.



## Judicial Enactments: Vol. I., Contents

1607.  
Jany. 8.     **Commission by principal Sheriff depute and Sheriff Clerk.** John Forbes of Gask or Patrick Con of Auchrye, as Sheriff depute and Wm. Ogistowne in Turriff or Thomas Bruce, both Notaries, as Sheriffs Clerk depute, were appointed by this Commission, which was dated in Novr. 1606 (1) to take the renunciation of Wm. Gordoun in Lescragie and Janet Con, his wife, of the lands of Lescragie, Breidgrenis and Breidfurd in favor of Magnus Mowat of Buquhollie and Isobel Cheyne his wife. (2) To receive the consent of the said Isobel Cheyne to the alienation by her husband, with consent of Walter Innes and Janet Gordoun, his wife, of the above lands of Lescragie, &c., and (3) to take the renunciation of Jeane Mowat, Lady of Asloun of the lands of Woidendis or of any part of the lands of Buquhollie or of lands in Caithness, to which she had got right or title from the late Patrick Mowat of Euquhollie, in favor of the said Magnus Mowat.
- Report of Commission.** Patrick Con of Auchrye as Sheriff depute and Wm. Ogistowne as Sheriff Clerk depute, reported the Renunciation and Ratification by Wm. Gordoun of Lescragie and Janet Con, his wife, which was executed at Balquhollie on Decr. 4 1606.
10.     **Removing.** Henry Matthewsone in Waltoun and John Youngsone there in favor of Mr. Duncan Forbes of Balnagask. Each of the granters occupied 8 oxengait of the lands of Waltoun belonging to Mr. Forbes, from which they consented to remove at Whitsunday next following.
21.     **Loosings of Arrestments.** Thomas Spens in Boigforthe v. Abraham Milne in Peiries Milne. The arrestment was in security of the violent profits of 2 oxengait of Peiries Milne callit Incstomack. Cautioner Andrew Thomsone in Peiries milne.
30.     **Mr. James Keyth v. James Smyth, Servitor to the Earl Merschell.** Corn and other grain was arrested for the Abstracted Multures of Mylne of Gavell. Cautioner Wm. Jak, Sadler in Abd.
- Feby. 2.     **Outlawry—Sheriff's Claim.** John Gordoun in Parkend, Officer to the Marquis of Huntly v. John Banerman, sometime in Auchmull. The arrestee is here stated to have been decernit fugitive "fra the lawis for air and pairt of the thifteous steiling fra George Gordoun of Coclarachie of ane ox and certain ky for the quhilk Andrew Moresone pikeman at the Mylne of [?] Daucht was execute." The subjects arrested were said to extend to 4 drawing oxen "thairof ane kow" 12 bolls oats in the yard and barne and "tua kistis." Peter Barnet in Auchmull was cautioner, and bound himself to make these subjects forthcoming to Lord Huntly, into whose hands, as Sheriff, they had fallen in consequence of Banerman's outlawry.
10.     **Loosing of Arrestment.** John Dicky in Deir v. Patrick Turing in Deir. The arrestment was in security of 200 merks of alleged indebtedness. Cautioner John Andersone in Denis.
11.     **Manslaughter.** The Crown v. Alexander Wilsone, Chirurgion in Abd. The surgeon was said to have caused the death of Alexr. Reid, son of Mr. William Reid, Advocate in Aberdeen, "throche the miscuir of the said Alexr." Thomas Gordoun of Grandoun was cautioner that Wilsone should take his trial on 24 Feby., and that his goods should be forthcoming to the Sheriff for behoof of the Crown.

## Aberdeenshire Sheriff Court :

1607.  
Feby. 14.     **Loosings of Arrestments.**   Wm. Chalmer, son of Charles Chalmer in Clunie *v.* the said Charles Chalmer. Arrestment used to secure "the said William of his barnis pairt of geir" which was said to be due to him by his father. Cautioner Wm. Dune, burgess of Abd.
- Alexr. Fraser of Kindrocht *v.* Alexr. Myll in Auchrynie. Fraser's claim against Alexr. Myll was based upon the latter having been surety to the former for the faithful service of his brother, Andrew Myll. Cautioner John Myll, Cowper in Abd.
25.       Isobell Forbes, Lady Balbeignot *v.* John Spreull in Wastburne. The arrestment was to secure the "fermes" of Wastburne. Cautioner John Kinnear, "Chalmerlane to my Lord Glames."
- March 4.     Alexr. Leslie of Monele *v.* Alexr. Chalmer in Rothmorak. Whole goods and gear and specially 15 bolls of "meill & beir" in the hands of George Crichtone of Bailzes-toune. Cautioner Robert Innes of Elrik.
7.        Alexr. Cruden in Kinglasser *v.* Thomas Birnye in Kinglasser. It was alleged that the arrestee had been in violent occupation of a house in Kinglasser since Whitsunday 1606. Cautioner James Birnye, "Wobster frieman" of Abd.
12.       Wm. Johnstoun in Ewerurie *v.* George Smyth in Goginglas. Wrongous intro-mission with eight oxen and two bolls oats belonging to Johnstoun. Cautioner John Erskine of Balhaggartie.
14.       Wm. Richie in Edinbanchory *v.* John Couttis in Kincairgy. Mr. Arthur Watt, Advocate in Abd. was cautioner. As he was a Sheriff depute at the time the entry runs "Comperit Mr. Arthur Watt Aduocat in Abd. renounceand his awin jurisdiction in this caice."
- Arthur, Lord Forbes *v.* Henry Annand of Orcheartoune. Cautioner David Kempt, Baxter, burgess of Abd.
- Patrick Fyue, alias Wobster in Bethleme *v.* John Chessour in Artamfurd. Alleged spoilation of certain goods gear and silver. Cautioner Ronald Chessour, burgess of Abd.
18.       Janet Gall, daughter of the late Andrew Gall, burgess of Abd. *v.* James Betoune in Wodheid. A money claim. Cautioner James Gordoune in Carnore.
- April 10.     John Leith, apparent of Harthill *v.* Patrick Leith in Auldrain. The claim was for "certane byerune deweteis." Cautioner Mr. John Lumisden at the Brig of Done.
16.       Mr. John Cheyne of Petfichie and George Setoune of Auchinhuiff, as curators of Patrick Cheyne son of the late Robt. Cheyne at Myll of Auchry *v.* Gawand Urquhart at Myll of Auchry. The claim was for the alleged "outputting of the said Patrick furth of the toune and lands of the Mylltoune of Auchry." Cautioner Thomas Myll, burgess of Abd.
21.       John Car at the Myll of Cluny *v.* Wm. Duncansone in Arsballache. A claim of 400 merks. Cautioner James Rainy, Tailzeour, burgess of Abd.

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1607.

April 21. **Loosings of Arrestments.** Sir Patrick Barclay of Towie, Knight *v.* David Andersone in Sigget. "Certane byerune deweteis." Cautioner John Setoune of Auchorthie.

Mr. Wm. Neilson, Minister at Fintray and Agnes Rait his mother *v.* Henry Annand of Orchertonne and John Woid at the Myll of Fintray. Claim for "certane sowmes of money." Cautioner Wm. Blakhall, burgess of Abd.

29. Thomas Fraser of Durs [Durriss] *v.* Wm. Tait at the Walkmyll of Dursbeltie [Durrisbeltie]. Cautioner Nicoll Ross, Cordiner, burgess of Abd.

May 8. Wm. Gordone of Sauchin *v.* Agnes Chrystie, wife of Wm. Scharp in Sauchin. Patrick Scharp the son of Agnes was charged with the "bloid drawing" of Robert Meldrum in Sauchin and apparently the laird intervened on behalf of Meldrum. Cautioner George Gordone "Stabiller" in Abd.

11. Arthur Forbes in Enzeane *v.* David Hay in Rowne Lithnet. Hay was said to have "resetted" certain goods and gear belonging to Forbes. Cautioner Thomas Hay in Abd.

12. **Assault and Mutilation.** The Sheriff *v.* Alexr. Duncane in Torfynis and John Lessell in Auchinsley. Caution for the accused's appearance on May 26 for the "hurting wounding and mittellatioune" of John Leslie in Kyntor. Also that their effects should be forthcoming to the Sheriff. Cautioner Abraham Forbes of Blaktoune.

14. **Discharge of Inhibition.** Gilbert Scherar, burgess of Abd. in favor of Matthew Youngsone, burgess of Abd. Scherar consented that from this date to 2 June Youngsone might deal with his effects as freely as if no inhibition had been used by him.

15. **Loosings of Arrestments.** Isobell Gordoune, lawful daughter of John Gordoune of Newtoun *v.* James Hervie in Monekebak, Alexr. Young there, James Donald, elder, there, James Donald, yr., there, Robert Hervie in Elrik, Alexr. Wentone there, and Robert Wischert in Monekebak. The whole goods and gear of all the arrestees. The claim was for "certane byrune deweteis," and Andrew Hervey of Elrik was cautioner. (*Vide infra* 21 May.)

21. George Gormak in Lessindrum *v.* Wm. Mathesone in Sliache. The claim was for wrongous intromission by Mathesone with certain goods belonging to Gormak. Cautioner George Bisset, burgess of Abd.

Isobell Gordoune, wife of George Gordoune, apparent of Baldorny *v.* Robert Wischert in Monekebak. In this case Mr. Wm. Moir, burgess of Abd. was cautioner and Andrew Hervie of Elrik joined with Wischert in the obligation to relieve him.

22. John Michell *v.* Margaret Riddell, his wife, and Matthew, John and Thomas Michell, her children. Cautioner Alexr. Mortymer, burgess of Abd.

Wm. Stewart *v.* James Robertsone in Makterry. Cautioner George Meldrum in New Myll.

## Aberdeenshire Sheriff Court:

1607.  
May 23.

**Loosing of Arrestment.** Alexr. Meldrum sometime servitor to the Laird of Tippetty *v.* Thomas Cowper in Tairty. Cautioner Thomas Cowper, burgess of Abd.

25. **Renunciation and Discharge.** Elspet Rolland wife of John Gordoune in Ingzean, with his consent, in favor of Abraham Forbes of Blaktoune. The lands redeemed were the sunny half lands of Wester Fowlis in Lochell. Apparently Alexr. Gordoune of Beldorny and George Gordoune, Younger of Beldorny, had pledged the lands for £1000, receiving a letter of reversion from John Gordoune in Ingzean and his wife. To the wadset by the Beldornys John Gordoune of Buckie had been a consenter. Forbes of Blaktoune now became creditor and as such in right of the lands.

**Renunciation and Discharge.** John Dilgardno in Aden in favor of Wm. Robertsoune in Thundertoune. This discharge was granted in consideration of the payment of 1000 merks contained in a Contract of Wadset, over the lands of Ower Torterstoune otherwise called Langhill in the Barony of Torterstoune, dated 16 January 1604. Robertsoune's wife, Margaret Bruce, had been a consenter to the wadset.

26. **Loosing of Arrestment.** Arthur Forbes, Servitor to the "Gudman of Towie" *v.* George Forbes, Servitor to the Laird of Invermarky. Cautioner John Gordone of Letterfure.

**Removing.** Wm. Johnstoune in Corshill in favor of John Johnestoune of Corshill. John Johnestoune was principal Tacksman of the lands of Corshill, situated in the Barony of Johnestoune by annexation.

**Loosings of Arrestments.** George Ademsone in Slains *v.* John Thomsone in Newseitt. Cautioner Wm. Morray in Edny.

Gilbert Meingzes of Petfoddells *v.* Alexr. Irving of Collairlie, Lawrence Coultis there, David Meingzes in Ester Tilbowries, John Myll, Edward Kay and John Kay. Gilbert Meingzes of Petfoddells, grandfather of the Gilbert here mentioned, had taken proceedings against the late John Irving of Kincowsie for cutting his green wood and security for 1000 merks had been found. 500 merks of the 1000 now belonging to Alexr. Irving of Collairlie and the other defenders, but in the hands of Thomas Forbes, burgess of Abd., was now arrested for an alleged contravention of the old law surety. Cautioner John Irving now of Kincowsie.

27. **Obligation of Warrantice.** Robert Innes of Invermarky in favor of James Gordoune of Knokespak. Knokespak had paid 1200 merks for the redemption of the fourth part lands of Kirktoune of Clatt to Wm. Leslie, son of the late Mr. Alexr. Leslie, parson of Raithes [? Rothes], who was a pupil or minor, receiving a discharge from Jeane Hervie, his mother, and James Kynnard, portioner of Myddiltoune, her second husband. George Gordoune of Terpersie and James Innes of Drenny [? Drainie] had bound themselves with Kynnard, to warrant the discharge and redemption and to obtain young Leslie's ratification on his coming of age. By this Act of Court, which is signed by Knokespak, Invermarky and Kynnard, the laird of Terpersie is released, his place being taken by Invermarky.

## Judicial Enactments : Vol. I., Contents

1607.

May 26. **Judicial Ratification.** Isobel Vode, wife of George Gordoun of Gicht in favor of Mr. Robert Maitland of Auchincreeff. Gordoun and his wife had granted a Bond to Maitland for 500 merks. As long as the money was unpaid Maitland was to "bruik and joiss" the teind sheaves of Auchincreeff and Skelmane in the parish of Tarves.

27. **Renunciation and Discharge.** Isobel Gordoun, "Ladie Brughis," wife of John Forbes of Brux in favor of Patrick Con of Auchry. Husband and wife had entered into a Contract of Alienation of the lands aftermentioned, in favor of Con on 4 May last by-past. The lady in implement now renounced all her rights to the "Schaddow half landis of the barronie of Idoch callit Idoche of Brughis," as fully described in the entry.

**Loosings of Arrestments.** Alexr. Leslie, pupil, and Wm., Robert and Andrew Leslie, his Tutors *v.* Robert Merser in Abd. Cautioner Walter Dun of Ratie. General arrestment : but specially 1000 merks in the hands of John Leslie of Wardess.

John Andrew in Haltoun of Fintray *v.* Agnes Davidsons in Disblair. Cautioner Charles Chalmer, sometime of Tillekerie.

James Gordoune, younger of Lesmoir *v.* James Gordoune in Pronnie. General arrestment ; but specially sums belonging to James Gordone in the hands of George Gordoune of Terpersie. Cautioner Wm. Gordoune in Myddrumbulge.

John Irving of Kincowsie *v.* Gilbert Meingzes of Petfoddells. General arrestment : but specially £3000 in the hands of Robert Gardyne of Waster Tilbowreis. Cautioner David Meingzes of Ester Tilbowreis.

Alexr. Paull, Cordoner *v.* Alexr. Cowe in Abd. and Isobel Jak, his wife. Cautioner George Merser in Old Abd. The claim was for damages for non-entry to a house belonging to the female arrestee.

June 8. James Gariauche of Kilstair *v.* John Forbes in Lyttill Endovie. Cautioner Andrew Forbes, burgess of Abd.

15. James Crichtoun in Adamstone *v.* Katherine Paxstone. The arrestee had been cautioner to the arrester for one Wm. Dawie. Cautioner John Paxstone in Knokleyth.

17. James Crichtoun, younger of Frendracht and James Crichtoun, his son *v.* Thomas Fraser in Woidheid. Cautioner Alexander Gordoune of Cormellie.

18. John Ross of Auchlossin and Nicol Ross, fear of Auchlossin *v.* Patrick Irving in Carnbady. Cautioner Mr. John Strathauchine, parson of Kyncardyne.

20. Wm. Gordoune of Abirzeldy *v.* the tenants of Madlar. Peats cast by arrestees upon the Hill of Fair. Cautioner Robert Burnet in Robertstone.

**Removing.** Arthur Udney in Auchlowne in favor of Wm. Udney, Liferenter, of that ilk. Shadow half town and lands of Auchlowne.

26. **Loosing of Arrestment.** Jeane Gordoune, widow of George Gordoune of Crechie and Patrick Gordoune of Carneday, her husband *v.* James Innes in Chappel-toun of Schiues. A claim for arrears of rent. Cautioner George Cruikshank in the Mains of Auchterellone.



## Aberdeenshire Sheriff Court :

1607.

July 1. **Loosings of Arrestments.** Robert, Commendator of Monymusk v. Gilbert Browne in Camphell. Cautioner John Forbes of Camphell. Claim for arrears of rent.

2. The Crown v. Mr. John Reid in Collestoun. Wm. Straquhyne of Tibbertie was surety for Reid that he should appear on July 14 and underly the law for the charges contained in the precept on which he had been summoned, and also that his subjects arrested should be forthcoming.

Francis, Earl of Erroll v. Wm. Straquhyne of Tibbertie. Cautioner Andrew Straquhyne of Ardoch.

4. Arthur, Lord Forbes v. George Gordoune of Coclarachy. "Peittis cassin be him within the bounds of Towy." Cautioner James Ogilvie of Blerak.
14. Robert Innes of Elrik v. George Kyd in Coinzeik. Special arrestment of 7 bolls and 1 peck of meal in hands of Alexr. Pettindreich in Mekill Elrik. Cautioner Alexr. Mesone, Servitor to the Laird Drum.
6. **Witchcraft.** The Crown v. Janet Patersone, wife of John Telly in Kemnay. John Walker in Kemnay was cautioner that Telly should enter his wife on July 16 to be tried for "the allegit witcheing of umquhill John Forbes of Lethinty" and also that the goods of both husband and wife should be forthcoming.

**Caution to Appear.** John Walker in Hiltoune and John Touche, burgess of Abd. v. David Creak in Burngrains. Walker and Touche claimed a horse which was in Creak's possession. Andrew Straquhyne of Ardoch was cautioner for Creak's appearance in Court on July 14, then and there to produce witnesses to prove that the horse was his or to produce the person who warranted the animal to him.

14. **Loosings of Arrestments.** Arthur, Lord Forbes v. Hew Gordoune in Smithistoun. Peats cast in the Moss of Tailzcauch. Cautioner George Chalmer in Noith.
16. George, Earl Mershell v. Elspet Meirnis, widow of George Keyth in Kindrocht and her children. Cautioner Joseph Keyth in Auchtielair. Arrears of rent claimed.

Wm. Forbes of Logy and Lucretia Hervie, his wife v. Wm. Bauerly in Boigholl. What was arrested was cloth in the hands of Gawand Cumming, Wobster. Cautioner Adam Gordoune in [? of] Boigholl.

17. Wm. Keyth at Myntlaw v. Thomas Forbes in Auchtidonald. "Peittis fewell feals and douat cassin and houssis and yards bigit be him" [Forbes] "upone the loning of Myntlaw." Cautioner John Keyth sometime in Auchlie, then in Peterheid.

John Leslie of Petcapill and John Lesly at Auld Mill of Cremond v. John Ydill there. Peats &c. within the bounds of Auld Mill of Cremond. Cautioner Robert Johnnestoune of Cremond.

18. Alexr. Irving of Lenturk v. Patrick Leslie of Kyncragy. Peats &c. within the bounds of Tillemair. Cautioner Gilbert Leslie, burgess of Abd.

## Judicial Enactments : Vol. I., Contents

1607.

July 25.

**Loosings of Arrestments.** Marjorie Stewart, daughter of the late James Stewart in Ranalachie, and John & Walter Collison, burgess of Abd. her curators *v.* John Findlater, sometime in Ardfork, then in Cragy. Mr. Walter Forbes of Auchmaleddy was cautioner, and undertook to relieve his brother german, Mr. James Forbes, of a similar Act of Caution formerly undertaken by him.

George Gordoune of Coclarachy *v.* Tenants of Towie of Clatt &c. Peats &c. in the Moss of Taillacht. Cautioner James Forbes of Lethinty.

28. **Conveyance of Furniture in Payment of Rent.** John Leslie, elder, burgess of Abd. in favor of John Touche, burgess of Abd. On the narrative that he was due £40 to Touche for the rent of a tenement of foreland on the west side of the Gallowgate, Leslie sold and disponed to him certain of the plenishing of the house, from which he and his wife were to remove before Martinmas, delivering up the keys and leaving the furniture sold in the house.

**Loosings of Arrestments.** Alexr. Leslie, younger of Monely *v.* Alexr. Chalmer of Rothmorak. Cautioner Robert Innes of Elrik.

30. Alexr. Gordoun of Swailend *v.* Wm. Thomsone and others, indwellers in Logy-fintray. Cautioner Wm. Forbes of Logie fintray. Peats in the Moss of Beildie Moss.

- Augt. 3. George Kar of Benvells *v.* Alexr. Daudsone in Perkhous. Cautioner Gilbert Daudsone in Inverquhomrie. Peats in the Moss of Benvells.

Thomas Meingzes of Cultis *v.* John Wallace, Alexr. Smyth and James Irving in Peillitsyde. Cautioner Mr. John Mortimer, burgess of Abd. Peats in the lands of Cultis.

5. Elspet Auchinlek, liferentrix of Buchomiachy *v.* Magnus Mowat of Bucholly. Cautioner Thomas Mowat in [?] Okingell. Peats in the Hill of Buchomiachy.
8. Alexr. Troupe *v.* Robert Thomsone at the Myll of Ord. Cautioner Alexr. Brabner in Abd. "The cornis and lynt sawin be him" [Thomsone] upon that part of Murthill said to be let to Alexr. Galloway.
10. Mr. Walter Forbes of Auchrydie *v.* James Keith of Atherb. Cautioner Alexr. Keith of Auldtoun of Atherb. Crop and peats sown and cast upon the town and lands of Bethlcame, specially in the part called Schandismoss.
14. **Lawborrows.** Alexr. Galloway, elder in Murthill, and Thomas and Alexr. Galloway, his sons *v.* Robert Thomsone at the Mill of Ord and Robert Thomsone, his son. Cautioner Baillic Alexander Jaffray.
15. **Loosings of Arrestments.** Adam Gordoune, son of James Gordoune of Tilleangus *v.* Isobel Reid, widow of Wm. Leith in Mylhill. Cautioner Wm. Mernis in Foulslie. Claim for Breach of Contract.

Andrew Horne *v.* Robert Irving at the Brig of Done. Cautioner Alexr. Brabner, burgess of Abd. The amount of the alleged debt was £8.

## Aberdeenshire Sheriff Court:

1607.

Augt. 22. **Loosings of Arrestments.** George Craford of Annachy *v.* Christian Fire, widow of Alexr. Gordoune in Annachy, and her children. Cautioner Wm. Gordoune, burgess of Abd. Claim for arrears of rent.

25. Thomas Gordoune at the Mill of Dess *v.* Alexr. Duncan in Blelak and James Stevin in Uartill. Cautioner John Gordoune of Quhyit Stain. Claim for intromission with the effects of Robert Gray in Auchinhuiff.

26. Janet Pettyndreich, widow of Gilbert Chalmer of Auchquhorthy, and George Chalmer, her son *v.* Alexr. Chalmer in Freddyhill. Cautioner Robert Keyth of Auldmaid. Claim for wrongous intromission.

29. James Forbes of Lethinty *v.* Patrick Annand in Fechill. Cautioner Andrew Williamsone, Wobster, burgess of Abd. Peats within the bounds of Fechill.

Martin Howiesone, burgess of Abd., and Margaret Rolland, wife of James Setoun of Petmedden, and her husband *v.* Wm. Irving of Murthill and Stephen Blair, his tenant of Bingzell. Cautioner James Giluiff in Auldfauld of Murthill. Crop and peats &c. sown and cast on the lands of Bingzell: but which were claimed as belonging to Glasterberrie.

**Lawborrows.** Robert Thomsone at the Mill of Ord and his son *v.* Alexander Galloway, elder, in Murthill and his son. Cautioner Thomas Myll, burgess of Abd. (*Vide Supra* 14 August.)

**Loosings of Arrestments.** Robert Gray, burgess of Abd. *v.* John Walker in Ruddrestoun. Cautioner Gilbert Blak, Couper burgess of Abd. A barrel of fish in Walker's barn said to belong to him and his neighbours, bnt alleged by Gray to belong to his debtor George Moresone, burgess of Abd.

31. Thomas Kellie, Baxter, burgess of Abd. *v.* Gilbert Wilguis, Baxter, burgess of Abd. Cautioner Duncan Galloway, Baxter, burgess of Abd.

Sept. 1. Alexr. Dicky in Skelmure and Agnes Gray, his wife *v.* George Gray in Monlety. Cautioner Mr. Robert Maitland of Monlety. £40 claimed.

5. Janet Pettindreich and George Chalmer, her son *v.* Andrew Chalmer in Lytill Auchechoch. Cautioner James Irving of Auchechoch.

Wm. Watsone in Dubfeord *v.* Thomas Myll in Dubfeord. Cautioner Andrew Myll in Haltoun of Balheluy.

11. George, Earl Marshall *v.* Peter Hay in Fechill. Cautioner Andrew Hay at the Ower Myll of Cruden. Claim for Teind Silver and Feuduties.

Robert Thomesone at the Myll of Ord *v.* Alexr. Galloway in Murthill. Cautioner Thomas Mylne, burgess of Abd.

Isobel Chalmer, widow of James Ross *v.* Andrew Paull, burgess of Abd. Cautioner James Rany, Tailzeour in Abd. Spoliation of a plaid, &c.

## Judicial Enactments: Vol. I., Contents

1607.  
Sept. 11.     **Loosings of Arrestments.** Robert, Commendator of Monymusk *v.* Gilbert Browne in Campbell. Cautioner John Forbes of Campbell.
16.     Inhabitants and Citinars of Auld Abd. *v.* Adam Smithie in Calsie Croft of Scottistoun. Cautioner Mr. Wm. Moir, burgess of Abd. "Faill dowat or failzie cassin win or to be wyn be him this instant yeir upone the bounds of the saids lands of Scottistoun with the pertinents."
- Discharge of Decrees.** James Forbes of Lethintie in favor of George Banerman of Wattertoun as Tutor of Edward Bruce. In consideration of £216 6s. 8d. Forbes discharged and delivered up (1) Decree of the Sheriff Court dated 31 May 1606 for the violent profits of 12 oxengait of the Middillthird lands of Fechill and horning following thereon dated 18 August 1607, and (2) Decree for the rents of these lands and Proctors Croft dated July and horning dated 18 August 1607.
- Bond and Discharge thereof.** George Banerman of Wattertoun as principal with Mr. Wm. Reid and Wm. Logye, burgesses of Abd., as cautioners in favour of James Forbes of Fechill. The sum acknowledged was the above sum of £216 6s. 8d., but the Bond was for £472, providing that if the sum first named was paid six days before Martinmas, the Bond would be discharged. This was done, and the Discharge is written and signed on the margin, "J. Forbes of Lethintie," and witnessed by "Patrik Forbes fier of Lethintie."
18.     **Loosings of Arrestments.** John Alshoner in Kynermeit *v.* John Wat in Boigis. Cautioner Alexr. Urquhart of Caildwallis. 18 bolls of victual was claimed from Wat for his occupation of six oxengait of Kynermeit.
- John Forbes of Echt *v.* Alexr. Straquhan sometime in Drumbrek. Cautioner Nicol Irving at the Woid Myll of Drum.
26.     John Leyth and Adam Gordon, Portioners of Boighol *v.* James Hervie, George Tendell and George Forbes in Kynmondy. Cautioner James Meingzes, burgess of Abd. "Cornis sawin be thame upone the Hill of Drumagar and Gurlamoss pairt and pertinent of Kynmondy."
- Patrick Leslie, burgess of Abd. *v.* Alexr. Smyth, burgess of Abd. Cautioner Gilbert Leslie, burgess of Abd. Claim for wrongous intromission.
- James, Earl of Morray *v.* Wm. Forbes of Logy. Cautioner Gilbert Johnstone of Owertoune. "The cornis beir and attis sawin" by Forbes on the part of Logy called the Reid burne.
29.     Gilbert Meingzes of Petfoddells *v.* Thomas Kelly, Baxter, burgess of Abd. Cautioner Archibald Watstone, burgess of Abd. Claim for rent.
- Oct. 1.     Patrick [?] Manwan in Coltstan *v.* Alexr. Lyon. Cautioner Wm. Straquhan of Glenkyndy.

## Aberdeenshire Sheriff Court :

1607.  
Octr. 5.     **Loosings of Arrestments.** Thomas Dampster of Auchterless *v.* Wm. Dampster in Logyaltoune. Cautioner George Dampster of Halsiewalls. Claim for arrears of rent.
6.         Wm. Forbes in Auchorsk *v.* David Andersone in Tartowy. Cautioner Mr. Gilbert Keyth in Auchorsk.
16.         **Revocation.** Agnes Straichauchin, widow of John Gordone, sometime of Bracka. On the statement that "for fair and dredour of hir lyve" she had been compelled to part with provisions made for her by the advice of her friends before her marriage, and in particular with her rights as conjunct fiar or liferentrix of the lands of Middiltoun in the Barony of Cnokinblewis and parish of "Inrurie," she revoked all consents or renunciations made by her while under coverture.
27.         **Assault — Blood-drawing.** The Crown *v.* Alexander Lyoune in Hilbrey. Cautioner John Leslie in Auldmyll.
28.         **Caution to Appear.** The Crown *v.* William Davidsons in Comounmure. Alexr. Andersone in Bethleme was cautioner that the accused should appear on Octr. 31 to answer for "the crymes allegit committed be him ample set doune in the sumoundis quhairwith the said William is chargit."
29.         **Assault—Blood-drawing.** The Crown *v.* Alexr. Hall in Ardnedly. Cautioner Wm. Farquhar in Ranistane. The accused was charged with wounding and blood-drawing of Wm. Merse in Wombillhillis.
- Assault—Blood-drawing.** The Crown *v.* Wm. Farquhar in Ranistane and Wm. Rethy in Inver. John Merse, Sadler, burgess of Abd., and Andrew Henderson, elder, burgess of Abd., were respectively cautioners. Also charged with a similar assault on Wm. Merse.
- Novr. 3.     **Loosing of Arrestment.** John Andersone at the Myll of Inverlachy *v.* Arthur Robertsons in Cremondgorthe. Cautioner Andrew Nesbit at the Kirk of Crimond.
9.         **Reset of Theft.** The Crown *v.* John Straquhyne in Banishill and Thomas his son. Cautioner John Carny, burgess of Abd. The charge was "for the allegit reset of certan guidis & geir thifteouslie stowin and for infang & outfang" as in the copy summons served on them.
13.         **Renunciation.** Marjorie Gordon, wife of Alexr. Tullidaff, sometime of Ranes-toune but then in Abd., with consent of her husband, in favor of George Gordoun, fiar of Meithlik. Her conjunct fee, liferent or other rights to "Twa pleuchis of the toune and lands of Archeidly, mylle of Archeidlie . . . and North seit of the same" in the parish of Methlik.
14.         **Loosings of Arrestments.** George Dampster of Halsiewalls *v.* Robert Schand in Ardley. Cautioner John Kynnier, burgess of Abd.
25.         Patrick Mortymer *v.* James Brabner in Muklesbrigis. Cautioner James Mortymer, fear of Cragivar.



## Judicial Enactments: Vol. I., Contents

1607.  
Decr. 5.      **Loosings of Arrestments.** John Forbes of      v. Patrick MacWill. Cautioner James Gordoun of Pranny.
- Margaret Innes, widow of John Fraser of Creichie and James Keyth, her husband, also Richard Robertsons in Creichie v. James Ligertwode there. Cautioner George Craufurde of Annoquhie. The first named Pursuers claimed "byrune dewateis," while Robertsons's claim was for the alleged "slaughter of ane sow."
9.      **Assault—Blood-drawing.** William Lesly in Logidurnay v. Patrick Hay in the Bush Myll. Cautioner John Erskine of Balhaggerty.
31.      **Loosing of Arrestment.** Andrew Hervie, son of Andrew Hervie of Elrik v. David Kellie, father of Andrew Kellie, burgess of Abd. Cautioner Andrew Kellie, the son. Claim for arrears of rent.
1608.  
Jany. 9.      **Witchcraft.** The Crown v. Janet Follay, wife of Alexr. Myll at the Nether Myll of Kyntor and Janet Salbe, widow of John Ross, also at Nether Myll. Cautioner Alexr. Hervie in Kyntor. No particulars of the charges are given.
12.      **Loosings of Arrestments.** Alexr. Hunter in Cragtoun of Kyncardyne v. John Hunter, portioner of Tilhaky, and Robert Downy at the Myll of Midbelty. Cautioner Mr. Alexr. Chalmer, Notary Public. "Ane stack of aittis estimat to twanty bolls."
13.      Andrew Smithe in Fynnersy v. Andrew Marteyne in Echt. Cautioner David Adie, burgess of Abd. Money claim.
15.      **Witchcraft.** The Crown v. Margaret Abill, mother of William Frost in Hialforest. Cautioners Alexander Thomsons in Hialforest and Frost, the son of the accused.
28.      **Loosings of Arrestments.** John Forbes of Petsligo v. William Cuik in Uriaell and Robert Rob in Pethill. Cautioner Sir Alexr. Fraser of Fraserburgh, Knight. "The cornis, beir and aittis presently standand in the corne yard of William Cuik."
- Fely. 6.      John Andersone at the Myll of Inverallochy v. Magnus Smith in Denend of Kintoch. Cautioner Alexr. Fraser, brother german to      Fraser of Techmurie.
- Jany. 26.      **Manslaughter.** The Crown v. Duncan Elmslie in Rothhill. Henry Robertson, (Out of Cordoner in Abd. was cautioner that Elmslie should appear on Fely. 12 to be tried for date.) the slaughter of John Smart.
9.      **Loosing of Arrestment.** Thomas Maitland in Monleyth v. John Crychtoun in Comistie. Cautioner Alexander Fordyce.
10.      **Renunciation.** Isobel Paip, wife of George Cruikshank in Maynis of Ochterellone in favor of Henry Annand of Orchartoun. All her rights to the fifth part of the lands of Taartie, in the Barony of Slains, and also to Mekill Mill of Essilmount in the Barony of Essilmount.

## Aberdeenshire Sheriff Court :

1608.

Feb'y. 11. **Loosing of Arrestment.** Wm. Irving of Murthill *v.* William Spark in Newtown of Murthill. Cautioner William Gairdyne, Skynner, burgess of Abd. Claim for rent.

15. **Revocation of Deeds Granted in Minority.** Alexander Keyth, apparent of Pettindrum. Besides the general revocation there is specially mentioned a bond for 300 merks of dot and tocher, promised with Girsall Keyth, his sister, to George Mowat, her husband, and failing him, to Andrew Mowat, his father, and failing him, to Magnus Mowat of Buquhollie. From the general revocation is excepted a lease of Hardie Oykhorne in Aberdour, granted to Robert Keyth, his uncle.

20. **Loosings of Arrestments.** Lillas Craford, widow of Robert Innes of Elrik *v.* John Innes of Elrik, Alexr. Pettindreich in Elrik and William and James Pettindreich, his sons. Cautioner John Fergusson in Meikil Elrik.

James Forbes of Lethintie *v.* the representatives of the late Thomas Smith in Auchnacantye. Cautioner Andrew Jaffray in Cultercullen. The claim is stated to be "for the allegit nocht delyuering to him of ane heriall [herezeld]."

28. Alexr. Hunter in Cragtoun *v.* John Oig in Waster Kyncardyne. Cautioner Robert Carnegy of Kirktonne of Abyne. The claim is stated as "the allegit spoliatioun of ane wadder and twa geiss."

March 1. Wm. Maxwell in Auld Abd. *v.* Gilbert Dowie in Auld Abd. Cautioner James Cuming, citiner in Auld Abd. £5 claimed.

4. Edward, Lord Bruce *v.* George Gawane and Alexr. Ogilbie in Allathene. Cautioner David Simson, burgess of Abd. The claim was for wrongous intromission with the teind sheaves of their occupations on Allathene.

11. Robert, Commendator of Monymusk *v.* John Mortymer of Cragiver. Cautioner Patrick Mortymer, son of the said John Mortymer. The claim was for wrongous intromission with teind sheaves in 1605, 1606, and 1607.

Walter Grant of Tillebo *v.* Robert Daudsone in Quhitrashis. Cautioner Alexr. Daudsone, servitor to the Earl of Erroll. The claim was for the alleged spoliation of "certane cornis."

16. **Lawborrows.** Nicoll Froster *v.* Thomas Glenly in Banishill. Cautioner Gilbert Andersone, burgess of Abd.

17. **Removing.** Mr. Alexr. Youngsone, parson of Durris, in favour of Mr. Alexr. Irving, Advocate in Abd. Mr. Youngsone consented to remove from the "Waster pleuche of the Kirkton of Durris," but reserving his possession of the "gleib and manss." The subjects being in Kincardineshire, Mr. Youngsone consented to the jurisdiction of the Sheriff of Aberdeenshire.

18. **Loosing of Arrestment.** James Crichtone of Frendraucht *v.* Symone Galloway in Auchintinder. Cautioner George Gordone in Polquhyt. Claim for past due rent.

## Judicial Enactments : Vol. I., Contents

1608.  
March 26.     **Loosing of Arrestment.** William Blakhall, Maltman in Abd. *v.* Gilbert Smith in Gregisardocht. Cautioner Andrew Straquhan of Ardocht. Claim for the alleged spoliation of certain "guids, geir, ky, scheip, cair," and others.
- Mutilation.** John Leslie, elder, burgess of Abd. *v.* David Craig, Tailzeour in Abd. Cautioner Alexr. Blair, burgess of Abd. Craig was charged with depriving Leslie of a finger.
29.     **Loosing of Arrestment.** Mr. John Leith, Advocate in Abd. and Katherine Gardyn, his wife *v.* Margaret Ronaldsone in Kynmondy. Cautioner Gilbert Ronaldsone in Waster Carney. This was a money claim.
30.     **Assault—Blood-drawing.** The Crown *v.* John Fowler in Owershell [? Ower Sheill]. Cautioner William Gordone, Baxter, burgess of Abd. Fowler was charged with the "bloid drawing" of Andrew Johnstoune in Sheill.
- Apl. 7.     **Loosing of Arrestment.** William Blakhall, Maltman in Abd. *v.* Duncan Bane in Myddill Ardocht. Cautioner Andrew Strachaichin of Ardocht. The claim was for spoliation or at least wrongous intromission by Bane with certain property sometime belonging to John Petre "alis Capten of Cowly" and then to Blakhall.
9.     **Wrongous Intromission, &c.** The Crown *v.* John Kilruiff in Carntradleane. Cautioner Alexr. Howet, Wobster, burgess of Abd. Kilruiff was said to have wrongously intromitted "with tua scheip quhillk was takin away be Robert Moir in Kemney & his compleces fra James Kilruiff in Tofthillis" for which and for "ony crime that be leid to his charge thairanent" he was to appear before the Sherriff.
15.     **Loosings of Arrestments.** Janet Fynne, wife of Wm. Fraser in Nather Mure *v.* Wm. Fraser, her husband. Cautioner James Torrie occupier of eight oxengait of Denheid of Kneawin. The arrestment here was of Fraser's "hail guidis geir hydis saltis ky and utheris guidis & geir" and was said to have been used "for the allegit way-putting and leawing the said Janet, beir woman & intending to pas furth of the cuntray."
21.     James Crichtone of Frendracht and James Crichtone, younger *v.* Thomas Fraser in Wodheid. Cautioner Alexr. Gordone of Cormellit. The claim is thus stated:—"the allegit lattin be the said Thomas of his occupatione of ane pairt of the Mains of Frendracht ly west."
25.     James Keyth and Margaret Innes, "gudwyff of Crechy" *v.* Andrew Fettes in Meikil Crechy. Cautioner George Keyth of Clackreauch. Claim for past due rent.
22.     John Erskene of Bagerty and Wm. Andersone in Conglass *v.* Alexr. Stewart in (Out of Bahaggerty. Cautioner George Lewingstone of Cauldhame. Claim for abstracted date). multures from Mill of Enramsay.
27.     **Removing.** James Forbes in Sonhonny in favour of Wm. Woid, Fear of Colpney. The lands from which Forbes agreed to remove are described as "the sone thrie pairt lands of Mekill Fynerseis," in the parish of Echt.

## Aberdeenshire Sheriff Court :

1608.  
April 30.

**Obligation for Rent and Removing.** Ronald Cheyne in Peddersmyll and George Cheyne in Hiltone of Auchterellone, his son, in favor of John Chalmer of Balbithane for himself and for behoof of Wm. Chalmer, his nephew. The subjects occupied by the Cheynes, and from which they consented to remove fourteen days after Whitsunday, were the third part of the shadow half of Wester Disblair in the parish of Fintray. One of the obligations was that the tenants should carry the victual from the new place of Balbithan to the ports of Aberdeen or Newburgh at their own expense, and the prices at which the victual, linen, wedders, capons &c. were to be converted into money are given.

May 4. **Loosings of Arrestments.** Henry Smart in Kowstaniis *v.* John Richman, son of the late Duncan Richman in Kyntore. Cautioner Mr. Robert Paip, Advocate in Abd. Non performance of a contract was alleged.

7. Andrew Paull, burgess of Abd. *v.* Wm. Fergus in the Holl. Cautioner Wm. Jamesone in Culter.

Harie Gordone of Dilspro *v.* Patrick Ray in Gowill. Cautioner John Chalmer of Balbithane. Rent of eight oxengait of the lands of Gowill.

14. Gilbert Gray of Schiwes *v.* Andrew Sangster in Auldtoneleyis. Cautioners James Birney in Tarves and John Dowerty, Merchand in Aucheredey. Gray's claim was for the alleged demolishing of "sum bigingis standang upone the toft of the saids lands of Auldtoneleyis."

**Removing and Discharge.** James Johnstone in Bandeuthe and Gilbert Johnstone in Murtoun in favor of Thomas Fraser, brother german of Andrew Fraser of Stainiewoid. The obligation was to remove from the lands of Lytill Kynaddy in the parish of Dyce. The Johnstones had a lease from James Keyth of Auchquhorsk, which he had assigned to Fraser, who, as a condition of their removal, discharged the tenants of rents.

**Loosings of Arrestments.** John Richman *v.* Henry Smart in Kowstaniis. Cautioner Stewin Macky. Claim for non-fulfilment of a contract. (*Vide Supra* 4 May).

16. Margaret and Bessie Sherar, lawful children of the late Wm. Sherar in the Mill of Mekill Wardes and their tutors and curators *v.* Margaret Watt at the Mill of Mekill Wardes, and Alexr. Garden, her husband. Cautioner Andrew Sangster in Fiddes. The arrestees were charged with wrongly intronitting with property belonging to the children.

John Gordone in Ingzean *v.* Arthur, Lord Forbes. Cautioner James Forbes of Lethintie. The arrestment was used for "allegit warrandice of certane multeris extending in valor & pryce of ane hundreth & saxteen punds or thairby allegit abstractit fra the said Johnis Myll of Ingzean, allegit to hawe bene warrandit be the said Lord."

**Renunciation and Discharge.** Agnes Deuket, widow of Mr. Robert Gardyn of Bellamoir and wife of David Michell in Abd., in favor of John Gardyn, her eldest son. The lady renounced all her claim to 1000 merks, due by James Gordone of Knokepek.

## Judicial Enactments: Vol. I., Contents

1608.

May 17. **Judicial Ratification.** Janet Leslie, wife of Andrew Leslie of New Leslie, in favor of Micheall Leang at the Myll of Auchmair. Andrew Leslie had granted a wadset to Leang of the lands of Boigis of Leslie, which his wife, by this act of court, ratified.

**Discharge and Ratification.** James Troup at the Myll of Straloch and Agnes Keyth, his wife, in favor of Alexander Gordone of Cluny. In consideration of a payment of 900 merks, the lands of Quhytrashis were declared to be redeemed.

**Renunciation and Discharge.** Marjory Leith, wife of George Leslie then in Inverie [? Inverurie] and the said George Leslie in favor of John Leslie of Wardes. Redemption of Auld Glanderstone and Vreis on payment of £1000.

**Cautionary Obligation.** Wm. Cheyne in Esslmonthe in favor of John Chalmer of Balbithan. Wm. Cheyne bound himself as cautioner for Ronald and George Cheyne, for fulfilment of their obligations contained in the Act of Court of date 30 April. (*Supra* p. 112.)

18. **Judicial Ratification.** Margaret Cheyne, wife of Alexr. Annand of Ochterellon. This was the ratification of a wadset of the lands of Cuikstoun, in Ellon, for 400 merks, to Archibald Beanis for himself and Cristiane Annand, his wife in conjunct fee, &c.

**Renunciation and Discharge.** Thomas Spens of Peireismill in favor of James Gordone of Lesmoir. This was a renunciation of all Spens' title to the lands of Peireismyll, Ailhouss Croft thereof, &c., by virtue of rights conferred on him by the late Sir John Gordone of Petlurge, knight, or Alexr. Gordone of Cluny, who had come in Sir John's place as assignee. Certain reservations were made.

**Loosings of Arrestments.** John Forbes of Camphell *v.* James Walker in Camphell. Claim for past due rent. Cautioner Alexr. Farquhar in Northham.

19. James Walker in Peterheid *v.* Micheall Joffray in Kyndrocht. Cautioner George Tailzeour in Carnichell. Claim for demolishing buildings on Kyndrocht.

23. **Personal Obligation.** Wm. Blakhall, Maltman in Abd., in favor of Jean King, lawful daughter of the late James King, burgess of Abd. Blakhall acknowledged that he was due 50 merks to Jean King, which he bound himself to pay to Christeane Johnstone, widow of James King and mother of Jean, for her behoof before Martinmas.

**Personal Obligation.** James Muresone in Rothnathy as principal, and John Muresone there and Archibald Greig in Fraserburgh, with consent of Mr. Samuel Keith in Conzeik in favor of James Donaldsone, burgess of Abd. Keith was proprietor of Tilletuthill and James Muresone was tenant. In consideration of indebtedness by Keith to Donaldsone, and with the consent of the former, the tenant bound himself to pay his rent for 1608-9 and 10 to Donaldsone. The proprietor granted a discharge to the tenant of the rent, which is fully detailed in the entry, while there was the usual clause of relief by the principal obligant to the cautioners.



## Aberdeenshire Sheriff Court :

1608.  
June 8.      **Loosings of Arrestments.** Wm. Irving of Eister Beltie *v.* Abraham Forbes of Blacktoun. Cautioner Alexr. Irving, apparent of Waster Beltie. Peats, &c., in the moss called Mossnad.

James Crichton of Auchilgowill *v.* Wm. Jameson. Cautioner George Chalmer of Nothe.

May 23.      **Incest.** The Crown *v.* James Kelly in Toriglathe [*?* Torryleith]. George Leslie (Out of date.) of Crechy was cautioner for the accused's appearance on 8 June.

June 2.      **Loosings of Arrestments.** James Ogilvy of Blerok *v.* James Ogilvy of Birnes. Cautioner Provost Alexr. Rutherford. Peats, &c., upon the Hill of Dudvick.

6.      Wm. Setoun of Disblair *v.* Alexr. Portar in Cowstanes. Cautioner Wm. Materis in Cowstanes.

May 24.      **Personal Obligation.** James Muresone in Rothnathy, John Muresone there and Archibald Greig in Fraserburgh in favor of James Donaldsone, burgess of Abd. This was a conjunct and several obligation by way of judicial act for £96 of borrowed money: but the clause of relief contained in it shows that James Muresone was the borrower and real debtor. (*Supra*, p. 113.)

June 16.      **Loosings of Arrestments.** Thomas Craigheid in Kymondy *v.* James Hervie of Elrik. Cautioner Robert Merser, Citiner in Auld Abd. The cause of the arrestment was the alleged spoliation by Hervie of a black ox belonging to Craigheid.

The Sheriff *v.* Wm. Thomsone in Manecht. Cautioner John Irwing of Kincowsic. The Sheriff was here seeking to secure payment of "ane allegit bluidwiet."

20.      Mr. Wm. Gordoune of Abirzeldy *v.* Nicoll Inchemedden in Medler. Cautioner Robert Burnett in . "Peittis cassin be him" [Inchemedden] "and the remanent tennenttis of Medler within the Mois one the wast end of the Hill of Fair."

15.      James Forbes of Lethintie *v.* Wm. Joffray in Hill of Fiddes. Cautioner Arthur Johnstone in Auchindaig. The claim was for goods and geir said to have been taken from the "Smiddy of Auchnacant."

26.      **Lawborrows.** The Sheriff and John Johnstone in Sheddakisley *v.* Andrew Johnstone in Sheddakisley. Andrew Johnstone and with him Robert Johnstone in Kayismyll as cautioners bound themselves under penalty of 500 merks that Andrew should appear before the Sheriff depute on eight days warning to answer to such crimes as he might lay to his charge preceding this date. Also that he should not molest John Johnstone in Sheddakisley. Andrew Johnstone also took the burden on him for his brothers, Alexr., Patrick, and David, as well for his kinsmen friends and "Allaya" that they should not molest John Johnstone.

## Judicial Enactments: Vol. I., Contents

1608.  
June 28.     **Loosings of Arrestments.** James Gardyn of Blakfeord *v.* John Watsone in Bogheid. Cautioner George Meldrum at the New Myll. The claim against Watsone was for removing from Gardyn's land.
- July 2.     Margaret Annand, widow of Robert Woid in Auchindar *v.* Arthur Johnstone in Auchindar, John Cragheid in Fidesbeg, Thomas Greig at the Myll of Fiddes, and Arthur Forbes in Blairchillie. Cautioner Arthur Pantoun in Allathein. The case here was that Johnstone and the other defenders had evicted the widow from the town and lands of Auchindar at Whitsunday, 1606.
4.     James Forbes of Lethintie *v.* Patrick Annand in Fechill and Alexr. Reith there. Cautioner Alexr. Kennady, brother german to the late James Kennady of Kermuk. The arrestment was used "for the allegit rywing out of ane pairt of the said compleneris lands of Fechill and casting of peittis & fewall thairon."
6.     John Lumsden of Cushney *v.* George Calder at the Myll of Carnculy. Cautioner Mr. William Forbes of Many. Claim for past due rent.
- John Lumsden of Cushney *v.* Robert Reid in Torydishwell. Cautioner James Walcar, servitor to Lady Forbes. Ten merks of past due rent.
9.     Alexr. Gordone of Lyttill Gowill *v.* Wm. Thomsone at the Walk Myll of Logy. Cautioner Wm. Forbes of Logy. The dispute was about peats in the Moss of Swaillend.
- Wm. Straquhan of Tillefrosky *v.* Nicoll Ross of Auchlossin. Cautioner Matthew Youngsone, burgess of Abd. In this case the difference was about peats in the "Mois of Manzow and bounds adiacent."

## Illustrative Examples taken from Vol. I. of Minute Books of Judicial Enactments

### Assythment

#### I.

(20 March 1606)

The said day in presens of Johne Gordone of Tilligreig Scherreff Deput of Abirdein comperit personallie Maister Robert Paip Aduocat and Maister Williame Chalmer Noter in Abirdein and become actit and monesit of their awin propper confessionis conjunctlie and seuerally for thame thair airis and assignais to pay and delyuer to George Innes and James Findlay in Newburgh in name and behalf of Walter and Cristen Innesses pupills bairnis lauchfull to umquhill Johne Innes sumtyme in Newburgh to be furthcumand to thame equallie betuix thame and their mother to wit Mariorie Dwne to have the proffeit during the saids barnis less aige and minoritie All and haill the sowme of ane hundredth pundis usual money of North Britain within the duelling hous of Nicolas Innes in New Abirdein upone Witsonday ewin nixt to cum in the yeir of God ane thowsand sex hundreth and sex yeirs instant but onie requisitioun And failzeing of thankfull payement thair of at the day foirsaid the sowme of fourtie pundis money foirsaid by the said principall sowme as for coist skaith and expenss And that in satisfacioun and assythment of the slachter of the said umquhill Johne Innes committit be Wm Chalmer seruitor to Wm Blak in Newburgh in the moneth of Februar last bypast in this instant yeir Quhairanent the said George Innes Relict and brother and narrest freinds sall subscriwe and delyuer to the saids Maisteris Robert and Williame ane Letter of Slains<sup>1</sup> at the recept of the said sowme & immediatly befor the same Quhairupone the saids pairties "hinc inde" tuik act & instrument And quhow oft the said sowme beis liftit aff of proffeit quhairon it happins to be laid to be als oft imployit of new agane to the sicht and advyce of the said George Innes Wm. Strachachin of Tibbertie James Findlay and Andro Innes in Newburgh to be maid furthcumand to the said relict of the defunct during the saids pupills les aige and that the proffeit thair of sall appertein to hir during thair said less age and thaireftir to the saids barnis equallie betuix thame, the said relict in the meantyme sustening the saids bairnis

<sup>1</sup> Called also Letters of Peace; an indispensable preliminary to the obtaining of a Crown pardon.

## Judicial Enactments: Vol. I., Illustrative Examples

honestlie according to thair estait during thair said less aige and minoritie Quhairupone thair wes act and instrument tain in maner foirsaid.

JOHNE GORDONE  
Sref deput of Abirden  
Mr WILLIAME CHALMER  
wt my hand  
Mr ROBERT PAIP  
wt yr [sic] hand

### II.

(12 November 1606)

The said day In presens of Johne Gordoun of Boigis Sref Deput of Abirdein compeirit Wa and Daud Umphrayes lauchfull bairnis to umquhill Patrik Umphray in Baikiehill with consent of Peter Bischoip of Abirdein Mr James Ross Minister thair Alexr Chalmer Messenger thair Curatours giffin to thame be the authoritie of the said Sref Deput In hac parte tantum and granntit thame to have receawit frome Thomas Meldrum in the Milne of Darley the sowme of fourtie pundis usuall monie of this realme in compleit payment for the sythment and slauchter of the said umquhill Patrik thair father commitit be the said Thomas Meldrum for his pairt for payment of the quhilke sowme and for the payment of halff ane boll of meill yeirlie to be payit for the space of four yeiris immediatlie following the dait heirof be the said Thomas to the saids bairnis the langest lewer of thame as ane pairt of thair alimentar and burd the saids barnis and thair curatours foirsaidis receawis the said Thomas in Cristiane frendschep and demittit all rancour and ewill will of the mynd with all actioun criminall and ciwill quhilke they have intentit or may intent agais the said Thomas be occasioun of the said slauchter and in signe and tacken thairof gawe to him thair hands And the saids Curatours in respect of the present minoritie of the saids bairnis obligis thame to caus thame the tyme of thair perfyit aig and maioritie to consent heirto and ratifie this presentis Upon the quhilks the said Thomas tuik Act of Court and Instrument And in lyk maner compeirit Helein Differtie relict of the said umquhill Patrik and for payment as said is remittit all rancour of hir hart that scho had agais the said Thomas for the slauchter of hir said umquhill spows and the said hail persones was content that this presentis suld stand in effect to the said Thomas as ane sufficient Letter of Slains and that he suld purches heirupone our souerane Lordis remissioun quhen he thocht guid and expedient be reassone the saids wyiff and bairnis granntit thame fullie satisfait for the said slauchter as narrest of bluid to the defuncte for

## Aberdeenshire Sheriff Court

thame selffis and the remanent of thair kin and freinds Unto the quhilks the Shref Deput foirsaid interponit his authoritie and moneissit the saids persones ewerie ane of thame respectiue to obserue thair awin pairtis thairof and ordanit precepts to be direct thairone in forme as effeiris Upon the quhilk the said Thomas tuik act of Court and instrument.

### Heritable Rights—Act of Possession

(15 April 1606)

The said day Johne Lord Saltoun causit charge Johne Gordoun of Bogis Shref depute of Abd be werteu of oure Souerane Lords letteris To enter the said Lord to the possessioun of tua pleuchis of the Lands of the Mayneis of Drumbrek lyand within the barronrie of the samen and Srefdome of Abd And that according to the tenour of the saidis Letteris and to putt ane Decreit of Remowing obtenit befor the said Shref depute at the instance of Alexr Mowtray burges of Abd aganeis the tennentis & occupiaris of the saids tua pleuchis land viz the middill pleuche of the saids lands now lyand weist on the Wast And the uther callit the Sone pleuche or Barriewallis now occupeit be James Smyth To the quhilk Decreit the said Lord is maid assignay and the saids Letteris of the Lords raisit at his instance as assignay foirsaid For obedience of the quhilks Letteris the said John Gordoun enterit the said Lord to the actuell and real possessioun of the said tua pleuchis lands be casting out of ane Cheir and ane Tangis out of the hous of the said James Mill [? Smyth] entering the said Lord within the biging thairof and delyuering him the keyis of the fyr houssis barneis and officeis houssis of the samen And be yeird and stane of the grund of the said weist pleuche And pat the Decreit to executioun according to the tennour of the charge in all poyntis Upone the quhilk the Shref deput foirsaid and Lord tuik instrument in the hands of me Mr Wa Andersone Shref Clark of the said Shrefdome And this wes doin upone the grund of the saids lands at tua eftir nune or thairby Befoir Witnessis Mr Wa and Patrick Lewinstoneis Seruitours to the said Lord Patrick Abirnethie of Nether Dell George Meldrum appeirand of Drumbrek Alexr Gordoun Seruitour to the Shref depute.



## The Diet Books : Vol. IX., 1607, 1619, 1620

In this volume are bound together in the most promiscuous and puzzling fashion some fragments which have survived from several missing books. Parts have the appearance of being the remains of books actually kept in Court, while in others the more careful penmanship points to their having been clean copies subsequently written up. Portions of the years 1607, 1619 and 1620 are covered. We have already seen that specialization, by keeping different books for different kinds of business, had been adopted ; but it is quite clear from what is found here that no invariable practice obtained. Acts of Court, such as Lawborrows are found here, as well as examples of Services and Curatories, although special books were in existence in which one would have expected to find all such. The order in which the entries occur in the volume has been followed, although these are not altogether in chronological sequence. It is unfortunate that the entries for 1607 do not embrace the period for holding the Fiars Courts ; but on the other hand the scraps from 1619 and 1620 furnish examples of these. A large number of interlocutory entries have been passed over, because they contain no data for ascertaining either the subject matter of the proceedings of which they form part, or for identifying the persons named in them by territorial designation, residence or occupation.

## Table of Contents of Vol. IX. of Diet Books

1607.

**Decree of Transumpt.** (Imperfect.) This appears to be the transumpt of Sasine of the lands of Orchartoun in the Barony of Tullidaff, following upon a Charter under the Great Seal in the second year of Henry and Mary in favor of Christina Tullidaff and Mr. James Stewin, her husband. The witnesses to the Act of Court were Wm. Forbes, son of Forbes of Thainstoun, Alexr. Gordoun, son of John Gordoun of Boggis, Wm. Gordoun, Baker, burges of Abd., Andrew Kyng, Advocate, and others.

June 3. Nature of Action not disclosed. Alexr. Leslie of Monalie *v.* Agnes Innes and Alexr. Chalmer of Kempstoun, her husband. The case was continued to 10 June for interlocutor, but is not mentioned again. On 25 June and 7 July, however, there were diets of proof in an action between the same parties, Leslie being the defender.

**Exhibition.** Agnes Innes and Alexr. Chalmer of Kempstoun, her husband *v.* George Creichtoun of Beildestoun. There was a continuation to 10 June for interlocutor; but no farther entry has been found.

**Wrongous Intromission.** Andrew Reid of Collestoun *v.* John Wilguis. For the "melling with ane pairt of Collestoun callit Cokishill."

**Breach of Arrestment.** Wm. Keyth of Pettindrum and the Procurator Fiscal *v.* James Cruden and Wm. Reid.

Nature of Action not disclosed. Agnes Innes and Alexr. Chalmer of Kempstoun, her husband *v.* Geo. Creichtoun of Tillikirie. Defences lodged.

Nature of Action not disclosed. Sara Leisk and Alexr. & John Leisk, her tutors *v.* Wm. Kay in Cruden and John Wilken in Clayhills. Defences lodged. On 25 June John Hay, her "guidsir," is named as one of the pursuer's tutors.

Nature of Action not disclosed. Sir Alexr. Fraser of Fraserisburgh *v.* Thomas Birny. Defences lodged.

Nature of Action not disclosed. Peter Hay in Fechil *v.* James Forbes of Lethintie and Margaret Forbes, his wife. This was a diet of proof which had been allowed in absence; but the defenders appeared and were reponed and defences ordered on 10 June.

**Removing.** James Forbes of Lethintie *v.* Peter Hay in Fechill and Patrick Annand there, brother to the Laird of Ochterellon. (*Vide p. 130 infra.*)

Nature of Action not disclosed. Patrick Cheyne, son and apparent heir of Mr. Gilbert Cheyne of Cruffy *v.* Alexr. Wode of Colpnay and Helen Leisk, widow of Mr. Gilbert Cheyne. The Pursuer produced his service as heir general of his father. Defences ordered on 10 June.

## Diet Books: Vol. IX., Contents

1607.

June 3.

**Violent Profits.** Ronald Forbes in Tertowie *v.* Patrick Moir, occupier of the shadow third of Kynneller. The pursuer produced Decree of Removing against the defender dated 31 October 1606. The Defender consented to removing, but was allowed to lodge defences on 10 June against the claim for violent profits. The end of the case is not reached in this volume.

**Decree of Removing.** James Setoun of Petmedden *v.* John Sangster in Crage. Four oxengait of the lands of Crage in Udny. Sasine under the hands of James Davidsoun and Gilbert Thomsone produced, but no date given. The Defender did not appear.

**Reference to Oath.** John Wilguis in Litill Artrochie *v.* Margaret Cheyne, wife of Andrew Reid of Collestoune. The Pursuer sued for two bolls of meal delivered to defender; but on a reference to her oath she deponed that she received them by her husband's command as part payment of the Pursuer's rent.

4. **Assault—Blood-drawing.** Procurator Fiscal *v.* George Tailzeour in .  
For "the blude drawing of James Cruffis in the heid" the accused was ordained "to pay to the Procurator Fiscall in name of his Majestie and Shreff" £10, and to the injured man as compensation £5. Cautioner for payment John Mill, Tailzeour, burgess of Abd.

**Breach of Arrestment.** Mr. Wm. Barclay, Procurator Fiscal, and Thomas Birnye in Kinglasser *v.* Alexr. Cruden there. Defences ordered on 23 June, when there was a continuation, after which no entry has been found.

**Removing.** Jean Abirnethy, with consent of John Urquhart of Craigfintray, her husband *v.* Margaret Watsone, widow of Robert Brabner and wife of Patrick Watt. The female Pursuer claimed to be "conjunct fear or at the leist lyferenter" of Frosterhill in Bethelny, from which she sought to have the Defender removed. The Sasine produced was under the hand of the late Patrick Chalmer, Notary Public. On June 23 Mr. Wm. Reid, procurator for the Pursuers, borrowed up the "haill proces" and signed a receipt in the Diet Book. The cause was advocated on 8 July.

**General Service.** Janet Forbes to Alexr. Forbes in Braidhauche, her father.  
(*Vide p. 58 supra.*)

**Service—Tutory.** Janet Forbes, daughter of Alexr. Forbes, sometime of Bredhauche. Wm. Forbes, her father's immediate elder brother, was appointed, for whom William Forbes of Poflug, his father, was cautioner. (*Vide p. 58 supra.*)

1 This name, which like most place names was a descriptive one, has now been corrupted almost beyond recognition into "Breda." In similar imitation of certain southern disabilities of utterance "Fawbs" is rapidly superseding the ancient "Forbes" or "Forbas." When we come to have "Awton" for "Hauchetoune" and "Whiteaw" or even "Witeaw" for "Whitchauche" or "Quhythauche," we shall have gone still farther on the downward path, which many Scotsmen, alas! think it fashionable to tread.



## Aberdeenshire Sheriff Court :

1607.  
June 4.

**Tutary—Delegation of Office.** The said Wm. Forbes to Wm. Forbes of Poffug, his father. On the narrative that he was going abroad the tutor give power to his father to fulfil the duties of tutor to Janet Forbes, the niece of one and grandchild of the other. (*Vide p. 132 infra.*)

5. **Decree of Removing.** Gilbert Blak, Couper, burgess of Abd. *v.* Beatrix Browne, widow of Wm. Blak sometime in Newburgh, and Gilbert Blak, his son, and others. The Defenders were occupiers of certain tenements “ruidis croftis & aikeris” in the Barony of Newburgh particularly described in the decree. The Pursuer’s Sasine under the hand of John Nicolson, Notary Public, dated 11 April 1581, was produced.

9. **Decree of Removing.** Robert Keyth of Aulmad *v.* Wm. Keyth, Isobel Keyth, widow of Gilbert Keyth, John Keyth, Elspet Nicoll, widow of Wm. Fynn timer, and James Fynn timer, her son, all in Nether Altrie. The pursuer was tacksman and titular of Nether Altrie in the parish of Deer in virtue of a contract between him and Wm. Keyth, son of the late Sir Wm. Keyth, containing an assedation of the lands dated 21 January 1607.

10. **Lawborrows.** John Fraser, Walker in *v.* Patrick Cheyne, son of the late Mr. Gilbert Cheyne. Cautioner James Leslie at the Mill of Buchanstown under penalty of £100.

**Decree of Removing.** Dame Elizabeth Forbes, Lady Sincler *v.* James Hardie in Mekill Haddocht, Gilbert Trowp in Litill Haddocht and Jeane Smyth, widow of Walter Liggertvode in Fornatie. The first two defenders were removed from parts of Mekill and Litill Haddocht, and the third from Fornatie all in the Barony of Newburgh and parish of Foveran, the Pursuer being liferenter of the lands. Her Sasine was dated 12 September 1566. Notary Mr. John Robertsone.

**Removing.** James Creichtoun, yr., of Frendraucht *v.* George Creichtoun of Tillikerie and another. The lands dealt with were the town and lands of Pardarg in the Barony of Frendraucht. The date of the Sasine produced is not given, but the notaries were Geo. Cheyne and John Leslie.

11. **Decree of Removing.** Wm. Udny of that Ilk *v.* Arthur Udny of Auchloun. Decree pronounced in absence.

**Decree for Payment.** Mr. Robert Chalmer of Hesselhead *v.* Wm. Irvyng in Denmyll. Two bolls of beir worth 20 merks with 20/- of expenses.

**Decree of Removing.** Hew Craufurde of Quhythill *v.* Alexr. Meldrum in Quhythill. The defender was in occupation of 16 oxengait of Quhythill and 8 oxengait of Brounchill in the parish of Deer and Barony of Fedderet.

**Decree of Removing.** Cristane Fraser, Lady Fedderet *v.* John Lowrance, Magnus Will, Andrew Creak, James Hendersone, James Bedy, and Wm. Craufurd, all in Ernsyde. The defenders were in occupation of portions of Ernsyde [Ironsides] in the parish of Deer, of which the pursuer was liferentrix. Sasine produced dated 4 March 1582. Notary Mr. Andrew Clark.

## Diet Books: Vol. IX., Contents

1607.  
June 17. **Special Service** (*Inq. Spec. Abd.* No. 109). Wm. Gordoun of Abergeldie to Alexr. Gordoun of Abergeldie, his father. Grandoun, Auchmull, Perslie, and Crabistoune. In non-entry since death of ancestor in June 1594. Reserving to John Gordoun of Crabistoune, brother german of the heir, his right and title to Crabistoune; to Thomas Gordoun of Grandoun, another brother, his right to Grandoun and Perslie, Waulkmill, and salmon fishing on the Don; and to James Gordoun, another brother, his right to Auchmull.

**Assault—Blood-drawing.** The Procurator Fiscal and Andrew Meldrum in *v.* James Moresone. The fines inflicted were £10 to the Fiscal for His Majesty and £5 to the injured party.

**Spuilzie.** Patrick Couttis in Innerernane *v.* Alexr. Straquhan, far of Glenkyndie. In absence of the defender, the libel was admitted to the pursuer's probation.

20. **Decree of Removing.** George, Erle Merschell *v.* Wm. Andersone in Froighill. The Earl sued for himself and on behalf of John Andersone of Dennis, his tenant, for removal of the Defender from the town and lands of Froighill and a part of Dennis called Andeiswallis in the parish of Deer. A Sasine and lease were produced, but no particulars are given.

**Decree of Removing.** Wm. Keyth of Pettindrum *v.* Margaret Cuik, widow of John Barclay in Pettindrum and John Cuik her father, Robert Leist, alias Wobster, in Perschorne, Alexr. Gawdie in Pettuleis and George Quhatsone in Chappeltoune. The various holdings were Blakhillokis, Mowetis land, Blakfauld, Ramsayes land, Perscehorne, Pettulleis, and Chappeltoun in the parishes of Philorth and Abirdour. Particulars of Sasine not given.

**Advocation.** Sir Archibald Dougleis of Kellour, knight, and Dame Barbara Forbes, his wife *v.* James Banerman of Crakinhill and Margaret Hay, his wife. An action was apparently depending by Banerman and his wife against Dougleis and his wife for delivery of "abulamentis guidis & geir and gold smyth wark" which was stopped by Letters of Advocation, "ay and quhill the deidlie feid mentionat in the saidis letteris standis onreconseillit."

23. **Decree for Payment.** John Collie, sometime in New Madlerne *v.* John Buchane there. 8 pecks of oats "calf come" crop 1605, price 36/8, with 6/8 of expenses, were decreed for.

Nature of Action not disclosed. Wm. Rany *v.* Arthur, Lord Forbes, Dame Janet Seytoun, his mother, and others.

25. **Removing.** Gilbert Gray of Schewes *v.* Andrew Pirie and Janet Blak there. The Sasine produced was under the hand of the late Mr. John Gray, Notary Public. Defences ordered for 30 June, when they were lodged. Replies were put in on 4 July, after which no entry has been found.



## Aberdeenshire Sheriff Court :

1607.  
June 25.

**Removing.** Francis, Earl of Erroll *v.* Thomas Hay in Gask and George Hay, his son, Robert Mackie in Deiphedder, John Austean and a number of others in Taartie. The Pursuer, as proprietor of the Barony of Slains, sought to remove the Defenders from Auchquharnie, Deiphedder and Taartie. The Pursuer is said to have re-produced his Sasines which were lying in the clerk's hands.

30. **Decree of Removing.** Wm. Trowpt of Beggishill *v.* Gilbert Wricht in Mill of Beggishill. The Defender was occupier of Mill of Beggishill and part of Troupismill in the parish of Drumblait. Sasine dated 10 Novr. 1585. Notary Wm. Ogstoun.

**Cutting Green Wood.** James Creichtoun, Younger of Frendraucht, with consent of James Creichtoun of Frendraucht, his father, as administrator *v.* George Creichtoun of Tillikirie. The Pursuer's Sasine was produced, but without particulars. Defences were lodged on 8 July.

**Removing.** Thomas Spens of Bogforthe *v.* Andrew Thomson in Piriesmill. The subject was a croft of Piriesmill in the Barony of Kynmondie by annexation and parish of Drumblait. Sasine dated 5 Octr. 1598. Notary George Cheyne.

**Violent Profits** (Incomplete). George Adamsons in Elphin *v.* Wm. Leask of that ilk. The Pursuer's case was that the Defender evicted him in May, 1600, from Balschamphie in Ellon and for violent profits, but the Defender was assolizied.

- July 1. **Arrears of Rent.** Alexr. Irving of Drume *v.* Wm. Chalmer, sometime of Tillikirie. This was a diet of proof. In the Defender's absence there were examined, as witnesses for the Pursuer, Alexr. Matthowsone and Thomas Johnstone in Kynkell, Andrew Symmer in Hedderveik, Gilbert Leslie and John Neill in Northe Boge, Alexr. Irving, burgess of Abd., John Andersone in Burnegrannis, and Patrick Stewin and Charles Philpe in Kynmukis. There were produced the Confirmed Testament of the late Alexr. Irving of Drume, the Pursuer's Sasine, a Missive Bill directed to the Pursuer by the Defender, and the Extract of the "Feirs" of the years libelled. Neither the lands nor the years, for which rent was claimed, are mentioned, but it may reasonably be assumed that the lands of Kynmuk were those referred to.

4. **Decree of Removing.** John Leslie of Petcaple *v.* John Chalmer in Wester Fintray, and John Foullertoun for his interest. The subjects were the Brew Croft and Brewhouse of Wester Fintray in the parish of Fintray, with privilege of brewing.

**Removing.** John Gordone of Crag *v.* James Gairdyne of Blakfurde. The Defender occupied 4 oxengait of the lands of Langland, part of the lands of Auchindoir. Sasine of Auchindoir produced under the hand of Mr. Wm. Thomsons, Notary Public. Defences and Answers were put in on 8 July.

**Spuilzie.** Alexr. Fraser of New Forrest *v.* Alexr. Forbes in Turriff, James Lessell, Messenger, and their colleagues. The subject matter is not stated : but the procurators for the Defenders not appearing, the case was admitted to the Pursuer's probation.

## Diet Books: Vol. IX., Contents

1607.

July 4.

**Theft, Reset of Theft, and Habit and Repute.** The Procurator-Fiscal *v.* John Patrie in Gilquhomstoune, who was charged with a number of acts of sheepstealing, and also with stealing from the tenants of Gilquhomstoune five bolls of beir yearlie for four years past : but of all these charges Patrie was acquitted. The jury however convicted him of being a common thief, and he was banished from the Sheriffdom and his moveable goods escheated to the use of the Crown, the Sheriff and his deputies.

8. **Appointment of Mair Depute.** Andrew Creichtoun servitor to the Laird of Frendraucht was presented by Mr. George Bisset, Mair of Fee, admitted by the Sheriff depute, and sworn in.

Nature of Action not disclosed. Hew Gordoune in Abercattis *v.* Mr. Gilbert Keythe in Auchquhors and Burnat, his wife. An assignation by Henry Forbes of Kyneller was produced by the Pursuer.

10. **Liquidation of Prices.** James Forbes of Fechill *v.* Geo. Banerman of Watter-toune as Tutor to Edward Bruce. The Pursuer already held a decree for a balance of the rent of 12 oxengait of Fechill and a croft called Proctor's croft in the Lordship of Altrie. By this decree the prices of the victual and others in which the rent was payable was liquidated by the evidence of five witnesses who fixed the value of a boll of meal at £4 6s. 8d., a boll of Quhyt 11 merks, a wedder 4 merks, a lamb 16/8, a capon 5/-, a pultrie 3/4. Before the proof was taken it was pleaded for the Defender (whether the pupil or tutor does not appear) that he was not properly summoned, being resident in Kincardyne ; but it was held that the action was properly brought in Aberdeen, *ratione rei de qua agitur*. The prices fixed were the "niest" prices.

11. **Special Service** (*Inq. Spec. Abd.* No. 110). Alexr. Gordone of Cluny to Sir Thomas Gordone of Cluny, his father. Carvethin, Thornyway, Corsistane, Peircismyll, Sliache, Adamstoun and others. In non-entry since death of ancestor in December 1604.

13. **Lawborrows.** Thomas Forbes and other burgesses of Aberdeen *v.* George Kyng in Grandoun and George Ewen in Corthybuk. The complainers were in possession of the Cruives of Don and were being interfered with by the respondents, for whom Robert Stewart, burgess of Abd. became cautioner under penalty of 400 merks for each. The lawborrows had been taken out in the Court of Session. Stewart, Kyng and the Sheriff depute signed the entry.

The entries for 1607 take end here.

1619.

April 8.

**Assault—Blood-drawing.** Andrew Cuming, Lax fischer *v.* Patrick Howat, indweller in Abd. Alexr. Jaffray of Kingiswallis was cautioner for the entry of the accused upon 15 days warning and signed the Act of Court. Howat's obligation to relieve his cautioner was signed by John Hunter, Notary Public.

May 26.

**Lawborrows.** Robert Gardin in Kingiswalls *v.* James Chrystie in Baddintuithe. Cautioner Alexr. Chrystie in Litill Fynnersie.

**Removing.** (Imperfect). Margaret Hay, widow of Michael Fraser of Technurie, and Alexander Fraser, their son and apparent heir *v.* Patrick Hay in Craigheid. The lands of Craigheid in Deer.

## Aberdeenshire Sheriff Court :

1619.  
 July 15. **Lawborrows.** Alexander Annand of Arduthie *v.* Wm. Forbes of Tolquhone.  
 (Out of There is here copied a certificate testifying either that lawborrows had been taken out  
 date.) or security for £1000 found in the Court of Session.

June 1. **Removing.** Mr. John Strauchachin, portioner of Kincardin *v.* James Robert-  
 sone in Kincardin. The Pursuer signed a receipt to Mr. Alexr. Davidson, his  
 Procurator for a Sasine of Kincardine, dated 13 Jany. 1616, under the subscription of  
 Alexr. Middiltoun, Notary, which had been produced in the process.

18. **Lawborrows.** Patrick Leslie, Dempster and Mardroune Ross his *v.*  
 Andrew Reid, lawful son of the late Edward Reid, Skinner in Abd. Cautioner Wm.  
 Craigheid, burgess of Abd. The caution was £100.

30. **Personal Obligation.** Thomas Touche in Corsinday in favor of John Gordoune  
 of Lytill Gowill. Touche enacted himself to pay £20 twixt this date and 12 July, and  
 failing payment £10 as for "cost skayth & dampnage."

**Admission of Mair Depute.** Patrick Gordoune in Bogheid, who had been  
 appointed, appeared, accepted office, took the oath *de fidei*, and found Normond Lesly,  
 burgess of Abd., as cautioner for him.

Augt. 18. **Fiars Court.** John Gordoune of Lytill Gowill and Mr. Wm. Paip, Advocate  
 were on the bench, and there were six jurors (apparently they were witnesses as well),  
*viz.* : Alexr. Burnet, burgess, Alexr. Chalmer, burgess, Mr. Wm. Ray, Advocate, Wm.  
 Forbes in Kynadie, Robert Middiltoun in Sauchin and Wm. Leiwingstoun in  
 Corsinday.

**Lawborrows.** John Smyth in Bandtuithe *v.* Wm. Aitken there *et e contra*.  
 Each was bound to keep the peace under the penalty of £100. Cautioner for Aitken,  
 John Chrystie in Corsinday, for John Smith, Alexr. Smyth in Carneday.

19. **Personal Obligation.** Wm. Aiken in Bandtuith in favor of John Gordoune of  
 Lytill Gowill. Aiken enacted himself to pay £20 betwixt this date and Michaelmas,  
 and £10 in case of failure.

**Personal Obligation.** Duncan Gellan in Calsietoun of Corsinday in favor of John  
 Gordoune of Lytill Gowill. Gellan enacted himself to pay £50, payable half on 25  
 Augt. and the other half before Michaelmas, with £10 penalty for each failure.

Decr. 22. **Manslaughter.** James Waenis in Aswanlie was cited to appear before the  
 Sheriff in the Tolbooth upon 15 January to answer to a charge of having killed or being  
 art and part in the slaughter of James Bartill in Pleylands on 12 Decr. Cautioners  
 George Calder of Aswanlie, James Gordoune in Beldornie, George Waenis in Davids-  
 toun and Thomas Dey in Aswanlie. There is no entry on 15 January, but on 20 May  
 Calder entered Waenis and protested before witnesses that he be freed of his cautionary.  
 (*Vide also* 5 July p. 127 *infra*.)

## Diet Books: Vol. IX., Contents

1620.

- Jany. 19.     **Warding in Aberdeen.** James Leslie of Drumdollo. What the charge against Leslie was is not disclosed, but he had evidently been in "the Kingis ward hous." On his enacting himself to pay the Sheriff £1000 in case of failure to re-enter upon ward on 1 May following, the Sheriff gave him liberty provided he did not leave the burgh except to attend the Consistorie Court of Old Aberdeen upon his lawful affairs.
- Mch. 22.     **Assault—Blood-drawing.** Andrew Downie in Maynis of Kyntor, charged with assaulting Wm. Cowper in Bogheids. Downie, by Alexr. Spalding his procurator, pleaded *res judicata*, in respect he had already been tried and acquitted by a jury in the Baillie Court of Kyntor, and offered to produce the Act of Court on condition of its being delivered up again.
23.     **Copy Inventory and Receipt for Title Deeds.** Adam Gordoun of Boigholl had raised an action for exhibition of the writs of the lands of Sapphak in the Parish of Fyvie. In that process Mr. Robert Paip, Advocate had produced a "banded coffer," the contents of which were ordained, by Decree of Exhibition dated the previous day, to be delivered to Adam Gordoun, as heritable proprietor of the lands. The writs were as follows :—1. Contract between Mr. Wm. Meldrum of Haltoun and Alexr. Gordoun, eldest lawful son of Sir Thomas Gordoun of Cluny with consent of John Erskin of Balhaggartie, his tutor, dated at Clochorbie 1 June 1593. 2. Charter following thereon in favor of the said Alexr. Gordoun, of same date. 3. Instrument of Sasine following on the Charter, dated 3 June 1593. Notary James Murray. 4. Charter and Disposition by the said Alexr. Gordoun to George Gordoun of Chappeltoun, Jean Gordoun, his wife, and Wm. Gordoun, their son, dated 18 April 1605. 5. Instrument of Sasine following thereon, dated 20 April 1605. Notary the late George Clerk. For these Adam Gordoun gave a receipt to the Sheriff and Sheriff Clerk.
- May 9.     **Manslaughter and Blood-drawing.** John Meldrum, for whose entry Mr. Robert Forbes was cautioner. The charges were for the slaughter of Alexr. Duncane, elder, in Lytill Fynnersie, and for an assault upon Thomas Duncan, servitor to the said Alexr. Duncane, elder, with a "dunk" in the arm. (*Vide* p. 133 *infra*.)
- June 10.     **Lawborrows.** Charles Chalmer in Balbithan, Robert Chalmer in Tofthillis, John Chalmer there, Alexr. Chalmer there, Robt. Gordoun in Tiliangous v. Duncan Elmslie in Racheills, George Elmslie in Harthills, Wm. Elmslie in Fetter, Andrew Elmslie in Wreittoun, Adam Watt in Netherbiging of Auchquhortes and John Patersone in Thains-toun, son-in-law to Duncan Elmslie *et e contra*. Evidently a local feud. The two first named on each side for themselves and the others were bound as cautioners under penalty of 200 merks.
- July 5.     **Manslaughter.** James Waenis. Thomas Dey in Aswanlie, Wm. Richardsone in Auchbeigis and James Gordone in Mains of Beldornie became cautioners for accused's appearance on 15 days' warning. (*Vide* p. 126.)
26.     **Removing.** Wm. Hardie in Mekill Haddo v. Alexr. Blak in Newburghe. The subjects were 7 rigs of land and "sex buttis lyand within Amggettis Law," and 7 rigs in the Baukfauld in the parish of Foveran. One notary signed for those who could not write in this and the two preceding cases.

## Aberdeenshire Sheriff Court :

1620.  
Sept. 5.

**Manslaughter.** Andrew Currie in Ardfork and Geo. Bruce, servant to Andrew Meldrum of the Muiris of Fywe. The charge was of killing Robert Moidan in Kilnary upon 29 Augt. Wm. Straquhan in Tarves, as procurator for Wm. Forbes of Tolquhone, brought the accused to the Sheriff depute “quha acceptit the saids personis & pat thame in suir firmanee in the Irnes.” The accused were tried on 12 September, the widow and brothers of the deceased being the accusers. The charge was “that thai or ather of them had slain the said umquhill Robert with ane straik of their feit in the bellie.” A jury of 19 were empannelled, who unanimously acquitted Bruce and by a majority convicted Currie. A cross appears opposite the names of two jurors who might have formed the minority. The sentence is not written in.

**Assault—Blood-drawing.** Alexr. Findlater, Litster, bound himself under pain of £100 to appear on 48 hours’ notice to answer to a charge of this kind.

Oct. 3.

**Letters of Caption.** Katherine Thornetoun *v.* Alexr. Leslie in Kirkhill. James Gareochie in Kinstair bound himself under pain of 500 merks to enter Leslie, who had been apprehended, in the chamber of John Gordoun of Lytill Gowill between 9 and 10 o’clock next day. The residence of the Sheriff is thus described :—“John Gordoun his awin Chalmer in the hous of John Touche elder burges of Abd, lyand on the west syde of the Gallowgait of the said burghc.” On the margin is written “4 October 1620 This Act deleit with consent of the pairteis J. G. Sreff.”

6.

**Lawborrows.** Wm. Keyth in Auchronie, Alexr. Forbes in Lachintillie and James Mackie in Lytill Endovie *et e contra*. The penalty for breach was 200 merks. The cautioner for Forbes and Mackie was Patrick Fouller in Drumnatheth, while John Keyth in Tertowie became cautioner for Wm. Keyth.

Novr. 17.

**Curatory.** Annas or Agnes Forbes, lawful daughter of John Forbes of Bairnis. The next of kin called were Wm. Forbes, burges of Abd., John Leyth, apparent of Harthill, George Forbes of Skelliter, and Wm. Leyth, burges of Abd. With consent of her father, who appeared by Wm. Cordoner, Advocate in Abd., his procurator, the minor elected the said Wm. Forbes and John Leyth, who became cautioners for each other.

**Renunciation.** The said Annas or Agnes Forbes. With consent of her father and her curators she renounced all right in the moveable succession of her late brother german, John Forbes of Newtown of Premnay, or which she might be entitled to by the decease of his children, John and Susanna Forbes, and that in favor of Niniane Setoune in Kirktown of Bourtie, the testamentary executor of her brother.

**Renunciation.** Gilbert Forbes, lawful son of John Forbes of Bairnis. This entry is *mutatis mutandis* in terms with the preceding entry.

July 1.

Nature of Action not disclosed. Mr. Wm. Forbes, Sub-principal of the King’s Colledge of Auld Abd. *v.* Allaster and John Cliriche in Bithnie and Alexr. Lunear there. Defences produced, which were replied to on July 4 and interlocutor pronounced on July 5, but the terms of it are not given.

5.

Nature of Action not disclosed. James Leslie of Drumdolo *v.* James Crichtoun in Comalegie. Interlocutor pronounced.



## Diet Books: Vol. IX., Contents

- <sup>1620.</sup>  
July 8. **Removing.** Isobel Forbes, Lady Williamstoun v. John Schand. This day had been fixed for the Defender's proof and for him to find caution for violent profits, but apparently none was forthcoming and the term was circumduced.
- Breach of Arrestment.** The Procurator Fiscal and John Erskine of Balhagartie v. Hector Davidsoun at the New Mill of Knokallachie. Proof fixed for July 19.
12. **Assaults — Blood-drawing.** James Cruickschank in Knokleyth and Helen Thomsons, his wife. The former was charged with an assault upon David Ross in Knokleyth in May preceding, and his wife with assaulting Elspet Walker, wife of Wm. Robertsone in Knokleyth in June 1618. Both were acquitted by the jury, whose chancellor was George Barclay in Badinscoth.
- Admission of Mair depute.** Wm. Abirnethie in Knokleyth. Cautioner Robert Dempster of Cushnie.
14. **Murder.** Thomas Allan in Saphak. This was a Justiciary Court held by John Gordoun of Lytill Gowill, Sheriff depute, and George Setoun of Schethyne, as Justices depute in that part under special commission dated 29 June. The charge was of murdering John Allan at the Mill of Balheluie. The jury by a majority of 18 to 1 convicted, and the accused was sentenced to be hanged.
- Crime not stated. James Andersone. The following is the whole entry, "The said day the Sref depute forsaide ordanit James Andersone to be hangit & put to the deathe for his demerits."
19. **Revocation of Deed Granted in Minority.** Wm. Leslie, son of John Leslie of Karthine, revoked an obligation made in minority to his brother Francis for £130 less or more.
26. **Assault—Blood-drawing.** Wm. Tailzeour in Forvie was bound to appear on August 10 under pain of £100 to be tried on a charge of assaulting Wm. Brass in Ennettis.
29. **Fiars Court.** There were two Sheriffs Depute and 7 jurors.
- Augt. 12. **Assault—Blood-drawing.** John Troupe in Gilcomstoun. The accused did not appear and was fined £50. Alexr. Davidsoun in Inverchat, the injured party, got an award of £10.
- Octr. 6. **Removing.** John Hay of Cremondmogat v. George Boyak. Alexr. Mylne, Boatwright in Abd., was cautioner for violent profits.
18. **Curatory.** Robert Blakhall, son of Wm. Blakhall, burgess of Abd., elected Alexr. Blakhall, Maltman, burgess of Abd., to be his sole curator, for whom the minor's father was cautioner.
21. **Assault—Blood-drawing.** Andrew Henderson was amerced in a fine of £50 and £10 to the injured party.
- Theft.** Elspet Forbes, being convicted of several charges of theft, was banished from the county and made to consent to be drowned without trial if she came back.
25. Charge not stated. Alexr. Angus at the Locheheid became bound to appear on Novr. 2 under penalty of £100.

## Illustrative Examples taken from Vol. IX. of Diet Books

### I.

#### Action of Removing—Procedure

(3 June 1607)

The said day in the Actione of Removeing perseuit be James Forbes of Lethintie aganis Peter Hay in Fechill and Patrick Annand thair Compeirit Mr Alexr Irving and Mr Arthour Wat procuratours for the persuer and producit ane summons execute to this day aganis the said defenders and for instructing thair of producit ane Warning with ane Seising under the signe & subscriptioun of Mr John Robertsons Notary and according thairto desyrit Decreit Ex aduerso compeirit Mr Wa Reid procuratour for Patrick Annand and Andrew King for Peter Hay and desyrit ane day to gif in defenssis to quhome the Shreff assignit the fyft of Junii instant to that effect

(5 June 1607)

The said day . . . . . Contenvis the ingewing of the saids defenssis to the xii of this instant with consent of Mr Alexr Irving procuratour for the persuer Reid et King procuratours for the defenderis

(12 June 1607)

[Reid et King] Compeirit and producit the saids defenssis in presens of Irving procuratour for the perseuer acceptand to ansuer thairto xvii instant

(17 June 1607)

The said day . . . . . The Shreff with consent of the procuratours for the pairteis Contenvis the ingewing of the saids replyis to the xix of this instant.

(19 June 1607)

The said day . . . . . Compeirit Irving procuratour for the perseuer and producit the saids replyis in wreit . . . . . and the Shreff assignit the xxiii of Junii instant to pronounce interlocutour in the said caus

## Diet Books : Vol. IX., Illustrative Examples

(23 June 1607)

The said day the Shreff contennis the pronounciatioun of his interlocutour . . . . . to the tuentie fyft day of Junii instant In presens of [the procurators are named here] warnit thairto.

(25 June 1607)

The said day . . . . . The perseuer compeirand be Maisteris Alexr Irving and Arthour Wat his procuratours The said Peter Hay be Andrew King his procuratour and the said Patrick Annand and Mr Wa Reid his procuratour nocht compeirand this day The Shreff deput foirsaid [Robert Gareoche] haweing hard sene & considerit the persewars libell precept of warning & executionis thair of and Seising producit, defenssis proponit for the pairt of the said defenderis ansueris replyis maid thairto and haill proces and thairwith being ryplie and at lenthe advysit Repellit the haill defenssis proponit for the pairt of the said Peter Hay and admittit the libell with the last reply maid to the last defence to the persewars probatioune and assignis the tent day of Julii nixt to cum to the said persewer to preiwe the same And that ilk day to the said Peter to set Caution for the violence in caice of evictioun with certificatioune in caice of failzie Decreit of Removeing to be pronuncit aganis him in presens of the said Andrew King his procuratour warnit thairto apud acta And siclyk Repellit the haill defenssis proponit for the pairt of the said Patrick Annand except the last defence beirand in effect that he hes Set and Assedatione of the lands libellit for the yeir contenit in the libell for the dewaty thairin contenit maid to him be umquhill Wa Forbes of Fechill quha haid power to do the samen quhilk the Shreff admittis to the said Patricks probatioune Reserveand contra producenda and assignis the said tent day of Julii nixt to cum to preif the samen peremptourlie and that ilk day to set cautione for the violence in caice of evictioun with certificatioune as said is and ordanis intimatioune to be maid hei of in dew tyme to the said Mr Wa Reid procuratour for the said Patrick quhairupone the saids procuratours for the parteis took act of court & instrument

(10 July 1607)

The said day . . . . . In the terme assignit to the perseuer to preif his libell with the last reply proponit be him [etc as in preceding interlocutor] Compeirit the persewar with Maisteris Alexr Irving and Arthour Wat his procuratours and producit ane summons execute quhair intimatioune was maid of the pronounciatioune of the said interlocutour to the said Mr Wm Reid procuratour for the said Patrick Annand and that this day was assignit to him to preif the said exceptioun and set cautione as said is and desyrit the dyat to be satisfieit Ex

## Aberdeenshire Sheriff Court:

aduerso Comepirit the said Mr Wm procuratour for the said Patrick and protestit in the contrair in respect as he alledgit the interlocutour was nocht pronuncit in his presens and na lauchful intimatioun was maid to him of the assigning of the terme nor yit to the pairteis adheirand thairto desyrit persewars ayth de calumnia gif he haid just caus to refuis the said exceptioun quha gaif his ayth that he haid just caus to do the samen and [Mr Reid] producit ane Assedatioun maid be umquhill Williame Forbes of Fechill to the said Patrick of the lands libellit including the yeir of the warning and protestit for absolutour And the persewar in the contrair protestit for condampnatour & for decreit of Removeing to be pronuncit aganis him in respect the last act is nocht satisfet be seting of cautioun for the violence in caice of evictioun quhill protestatioun the Shref admittit [and ordained Annand to remove from 12 oxengait of the middle third of Fechill in the parish of Ellon] And siclyk [there was] producit for verefeing of the said libell and reply aganis the said Peter Hay ane discharge maid be him to the said James Forbes of Fechill of ane Assedatioun maid be him to the said Peter with the said James Seising of the lands libellit warning & executiounis thair of in presens of the defender & Andrew King his procuratour quha desyrit ane day to object contra producta to quhome the Shref assignit the xv day of this instant Julii to that effect and that ilk day to set cautioun for the violence in caice of evictioun with certificatioun decreit to be pronuncit aganis him Quairupone the perseuer askit & tuik Act of Court & instrument

(no farther entry)

## II.

### Delegation of the Office of Tutor

(4 June 1607)

The said day Williame Forbes tutor to Jonet Forbes pupill lauchfull bairne of umquhill Alexr Forbes of Bredhauche Being of intentione to travell alsweill in this realine as in forein cuntreyis as he hes bene accustomit in tyme bypast And in respect Williame Forbes his father is becum cautioner for him de fideli administratione in the Tutorie forsaid and for utheris caussis moveing him Gewis full power to the said Williame his father to enterteine the said Jonet pupill in meat & claith during the tyme of his said tutorie he being on lyff one the brokis and profeittis of hir awin geir to be allowit to him in the first pairt thair of according to her rank birthe and estait And als gewis full pouer and libertie to the said Williame Forbes his father as guidsir to the said pupill to uptak lift & receaue the haill sowmes contentis of actis contractis obligatiounis



## Diet Books : Vol. IX., Illustrative Examples

cornis cattell hors nolt scheip insicht outsicht plenissing and all utheris moveabills and debtis perteining to the said pupill and that fell to hir be deceis of hir umquhill father and mother And als to uptak the mails & dewateis of quhatsumeuir wodsettis hir said umquhill father & mother haid the tyme of thair said deceis that fell thairby to the said pupill and sowmes of monie one the saids wodsettis thairone acquittancis & dischairgis to gif as he nicht haue done as tutor to hir befor the making heirof during the haill tyme of the said Tutorie becaus the said guidsir may bettir attend thairone than the said tutor himselff And gif it sall happin the said Williame Forbes of Pofluge to depairt this present lyff befor the expyryng of the said Tutorie it sall nocht be lessum to the said Williame Forbes tutor forsaid to mell withe ony of the saids pupills geir lands wodsettis or profiteis thairof quhill he first set sufficient cautioners be the sight of (illegible) Cultis fear of Auchtercoull and Robert Forbes of Inver conjunctly that the same sall be furthcumand to the pupill as law will And that the said Williame Forbes of Pofluge his airis mail and assignais be harmeles and skaithles of the samen intromissione at the hands of the said pupill hir airis and assignais Reserveand always to the said tutor compt rekoning and payment of the superplus of the saids pupills rentis by and attour hir awin sustentatioune to be allowit as said is Quhairupone the saids Wm Forbes elder and Wm Forbes younger tuik act of Court & instrument

### III.

#### Trial for Manslaughter and Assault

(9 May 1620)

Compeirit Johne Meldrum with Mr Robert Forbes his cautioner and enterit upone pannell and in respect of his entrie the said Mr Robert protestit he sould be frie of his cautionarie The said Johne being upone pannell and accusit for the slauchter of umquhill Alexr Duncane sone to Alexr Duncane elder in Lytill Fynnersie denyit the samen and that he was nawayes nar hand him airt nor pairt thairof And being accusit for the hurting wounding & bluid drawing of Thomas Duncane seruitour to the said Alexr Duncane elder confessit the samen Compeirit Mr Wa Barclay younger procuratour for the said Alexr with the said Alexr lyikwayes present at the bar and tuik instrument upone the declaratione and confessioun of the said Johne concerning the bluid drawing of the said Thomas Duncane committit be him at the tyme of the said slauchter Siclyik compeirit the said Mr Wa procuratour as said is and alledgit that the pairtie is citat to compeir befor the Justice Generall or his deputes to the twentie ane day of Junii nixt to underly the law for the alledgit



## Aberdeenshire Sheriff Court

slauchter committit be him and thairfoir na proces at the instance of the procuratour [? Fiscal] aganis the said Johnne Lyik as the said Alexr Duncane elder being present with his said procuratour alluterlie disassentis to this judgement [? seat] Compeirit Mr Wa Ray Procuratour Fiscall and acceptit the compeirance of the said Alexr Duncane & requerit him to insist and to giwe in ane bill of assyis And adheirand thairto anserit that the alledgance aucht to be repellit as irrelivant newir qualefeing that Johnne Meldrum present and pannellit was chairgit lauchfullie be wertew of our Souerane Lords letteris to underly the law at the day aboue specifeit befor the citatione raisit and execute in dew tyme within twentie four hours nixt eftir the committing of the alledgit slauchter In respect of the quhilk citatione lauchfullie & in dew tyme maid be the Shrefis precept the said chairge gevin be wertew of our Souerane Lords [letters] can not stay nor impeid the Shref to put the said actione to the tryall of ane assyis And the Shref nochtwithstanding of the alledgance remittit the tryall of the said cryme to the personis of Assyis in respect thair was na letteris of Advocatione productit and that the said Alexr elder refusit to insist and to give in ane bill of Assyis being personalie at the bar In respect of the summonsd productit this day being execute within twentie four hours nixt eftir the committing of the said fact befor ony letteris raisit befor the said Justice Generall or executiones thairof

### Nomina Assise

Alexr Thome in Mylneboy	Jon Liddell thair
Patrik Fouller in Drumnahethe	Gilbert Abirdour in Culquhorsie
Jon Fouller in Furdoun	James Walker in Brumhill of Echt
Paull Fouller in Leyludge	Alexr Smyth in Kirkoun of Echt
Alexr Chopmane in Waster Echt	James Gawane thair
James Liddell in the Maines of Echt	
Alexr Baine in Tillioche	
George Mackie thair	
Thomas Patersone in Sonehunic	
Arthour Chrystie in Lytill Fynnersie	

The haill Assyis in ane voce be the mouthe of the said Alexr Thome thair chancellor absoluis the said Johnne Meldrum fra the slauchter of the said umquhill Alexr Duncane airt or pairt thairof and convictis the said Johnne for the hurting wounding and bluid drawing of the said Thomas Duncane with ane durk in the arme

The said Mr Wa Barclay procuratour for the said Alexr Duncane elder protestit for nullitie of proces remeid of law reduction and vilfull error aganis the Assysoris

The Shref amerciatis the said Johnne in the sowme of fiftie pundis and fywe pundis to the partie J.G. Sref.

## The Minute Books of Judicial Enactments

### Vol. II., 1608-14

This volume was obviously begun when Vol. I. of this series was finished. It consists of 326 closely written pages, the first legible date being 15 July 1608, and the last 1 March 1614. The fly leaves and another leaf or two may be wanting at the beginning, and about 20 leaves at the end have been so very badly damaged by damp as to be to a large extent illegible. The general character of the entries is the same as in Vol. I. of this series; but signatures are much more numerous. Two cases of Notarial subscription have been noticed. In the earlier of these on 24 January 1610 George Barroun and Mr. William Chalmer, Notaries public, signed for a widow who could not write; but there were no witnesses. The Notarial docquet of Barroun was in these terms "*Ita est Georgius Barroun Notarius publicus de speciali mandato dicte Margarete Annand scribere nescientis ut asseruit,*" and that of Mr. Chalmer was identical with it. In the second instance, on 31 October 1611, when David Hay in Bogheids of Fyvy and John Watsons in Blakfuird, two of the parties appearing to enact themselves, could not write, there was prefixed to the notarial docquets the following words:—"David Hay and Johne Watsons foirsaid with our hands at the pen led be the Notars underwritten at our commands becaus we can nocht wreit ourselffs." Four witnesses also subscribed the entry.

## Table of Contents of Vol. II. of Minute Books of Judicial Enactments

1608.  
July 15.     **Loosings of Arrestments.** Bessie Gordoun, liferentrix of the lands of Tulloch, and Robert Gordoun *v.* Janet Seytoun, Ladie Forbes and her tenants. Peats in the Moss of Tulloch. Cautioner John Collison of Auchlunies.
16.     James Gardyn of Blakfeord *v.* John Meldrum in Blakfeord. Cautioner George Setounne at the Myll of Saphak.
27.     George and Gilbert Huddoun in Leslie *v.* Isobell Scot, widow of Henry Huddoun in Abd. The widow was said to be detaining certain effects claimed as belonging to the Pursuers and to the late Janet Huddoun, Henry's daughter. Cautioner George Lang, burgess of Abd.
28.     **Assault—Blood-drawing.** The Crown *v.* George and Wm. Smith, burgesses of Inverurie, who were cited to appear on 10 August on a charge of wounding and blood-drawing of Wm. Lyone in Hilbrey. Cautioner James Beingzie in Inverurie.
30.     **Loosings of Arrestments.** George Gain [Gavin] at the Mylne of Allathein *v.* Thomas Robertstone in Boddemes and Patrick Richie there. The pursuer had arrested in security of a claim for having been ejected from Boddemes. Cautioner Walter Bodie in Ardiffr.
- Mr. Thomas Nicolsone, Commissary of Abd. *v.* Adam Gordoun and John Leith, portioners of Boigholl. Crops sown and peats, &c. cast on the Hill of Drumnagair. Cautioner George Lang, burgess of Abd.
- Augt. 2.     Adam Gordoun and John Leith, portioners of Boigholl *v.* Tenants of Kinmondry. Crop sown and peats, &c. cast upon part of Durla Moss. Cautioner James Meingzes, burgess of Abd.
5.     **Commission from Court of Session.—Oath *de fidei*.** James Mowat and Mr. Robert Davidstone, Advocates in Abd., who had a Commission from the Supreme Court as "deligatis," and Sheriffs of Kincardine in that part, to cognosce upon the marches of Portlathin and Balquharne belonging to Wm. Forbes of Portlathin on the one part and the lands of [illegible] belonging to James Blindschell on the other part, all in the parish of Banchory Devenick, took the oath *de fidei* before the Sheriff depute at Aberdeen.
8.     **Loosings of Arrestments.** John Mar in Nethermure *v.* Wm. Fraser in Auchmaleidie. Claim for a loan of 41 merks. Cautioner Wm. Youngsone in Auchmaleidie.
10.     John Fergusson, burgess of Abd. *v.* James Banerman in Abd. Cautioner Patrick Annand in Orchtounne.



## Judicial Enactments : Vol. II., Contents

1608.

Augt. 10. **Loosing of Arrestment.** Alexr. Cuming of Culter *v.* James Kilruiff in Auldfauld and John Watsone there. Peats cast "in the Tolspeit myris of Auldfauld." Cautioner John Carny, burgess of Abd.

**Renunciation and Discharge.** Annas Lorimer, wife of John Fraser, portioner of with his consent renounced her rights in the Quarter lands of Mamewlauche, teind sheaves thereof, &c., in favor of Alexander Murray [designation illegible].

5. **Renunciation and Discharge.** Christian Gordoun, wife of Gilbert Chalmer in [?] Braikley, renounced any right she had in the lands of Klinkenwallis, otherwise Ardsowis or Hilbeey in the Barony of Methlik in favor of the "richt honorabill George Gordoun fiar of Haddo."

17. **Loosings of Arrestments.** Beatrix Fraser, widow of Thomas Muidey *v.* John and Robert Muidey in Corskellie. The defenders were said to have intromitted with the late Thomas Muidey's estate. John Tarves, occupier of eight oxengait of Tulikirie, was cautioner.

Patrick Buter *v.* Wm. Luches in Toricleithe, James Leuches there and Mr. Wm. Schein in Meles. Peats, &c., in the Moss of Elrick. Cautioner Wm. Logie, burgess of Abd.

23. Wm. Irving of Murthill *v.* Nicoll and Allan Ross in Tarlen and John Reid there. Cautioner Patrick Davidsone, burgess of Abd.

Gilbert Meingzes of Petfoddellis *v.* Alexr. Rutherford, Provost of Abd. The corns sown by Rutherford and his tenants upon the bounds of Gilcolystone "and in speciall on that pairt thereof callit the Threipfelds lyand upone the Wast syd of the Carden Well and North syd of the Den Burne of Gilcolystone ascending up the said Burne as the same rynnys to the Corbenest." Cautioner James Brabner, burgess of Abd.<sup>1</sup>

29. Thomas Kellie, Baxter in Abd. *v.* Robt. Symsons in Gilcolystone. The Defender was said to have wrongly intromitted with a seven year old horse of Kellie's, worth 50 merks. Cautioner John Barker, burgess of Abd.

John Edwart in Asheogill *v.* Robert Symsons in Hiltoune of Asheogill and Andrew Symsons, his father. Defenders were said to be intromitters with the effects of the late Barbara Edwart, Pursuer's sister. Cautioner David Symsons, Saddler in Abd.

30. Robert Symsons in Gilcolystone and Gilbert Meingzes of Petfoddellis *v.* Thomas Kellie, Baxter in Abd. Symsons was charging Kellie with wrongfully intromitting with sheep belonging to him, and Meingzes alleged a claim for rent, in security of which the crop sown by Kellie upon "the cruikit myris and outfaldeis of Gilcolystone" had been arrested. Cautioner Alexr. Thome in [illegible].

<sup>1</sup> Provost Rutherford was proprietor of Northfield at this period.—Mr. A. M. Munro's *Provosts of Abd.*, p. 115.

## Aberdeenshire Sheriff Court :

1608.  
Sept. 8.

**Loosing of Arrestment.** Wm. Irving of Murthill *v.* John Strauchane in Baires-hill and David Baxter & Alexander Meanie in Contla *v.* the said John Strauchane. Irving's arrestment was of the peats, corn, &c., cast and sown upon "the greines of Eilstoun and Muir of Bingwall," while Baxter & Meanie alleged against Strauchane the spoliation of their sheep. Cautioner John Carnie (not designed).

**Discharge, Delivery of Title Deeds, &c.** George Craufurd of Annachie in favor of John Gordone, eldest lawful son of the late James Gordone of Barrak. Craufurd (First) judicially acknowledged receipt of (1) a Charter granted by the late James Gordone of Haddo to the late Patrick Gordone in Barrak, of the lands of Eister Barrak, dated at Kellie 10 April 1584; (2) Charter of Confirmation by John, Lord Erskine, Earl of Mar, dated at Edinburgh 27 May 1589; (3) Precept of Clare Constat by John, Earl of Mar, in favor of James Gordone, as heir to Patrick Gordone, dated at Tarnewall 25 October 1590; (4) Instrument of Sasine in favor of James Gordone, dated 5 January 1590-1. Notary Wm. Jak. (Second) Craufurd discharged Gordone of all action of eviction, spuilzie, violence or other deed of wrong which he could lay to his charge and bound himself to pay 2000 merks before he "proces" against him.

**Renunciation and Discharge.** Christian Fraser, wife of Wm. Irving of Beltie and daughter of Thomas Fraser of Durris in favor of Alexr. Irving of Drum. A commission having been granted to James Burnet of Craigour and Mr. Robert Davidsone, Notary Public, as Sheriff depute and Sheriff Clerk depute in that part respectively, it was taken at Eister Beltie on 3 Sept., and reported of this date. The lady renounced in favor of the laird of Drum her rights to "Hyrne and Drumchreine, Mylne of Hyrne," &c., in the parish of Banchory Ternan and County of Kincardine. She also renounced a marriage contract provision of 7000 merks and all her legal rights on her husband's death, while she accepted in full satisfaction of these and all her claims, the liferent of "Eister Beltie, Hill of Beltie, Mylne of Beltie, Mylne lands & Multuris thair of and lands of Auchinsley."

10. **Loosings of Arrestments.** John Fraser of Clyntertie and Thomas Sma in Kyntor *v.* James Myll, sometime at Blakburne. The claim was for leaving the Croft at Blakburne before the term and for past due rent. Cautioner David Andersone in Mains.
14. Alexr. Fraser in Brotherfield *v.* James Brabner, burgess of Abd. The crop sometime belonging to John Orum in Rubislaw had been taken possession of by Brabner, while Fraser claimed that it had been disposed to him. Cautioner Alexr. Brabner, burgess of Abd.
16. Mr. Robert Lumisden of Auchinlek *v.* David Fynn timer, then in Altrie. Cautioner Robert Keyth of Auldmad.
24. Margaret McIntoshe and William Sutherland of Duffus, her husband, *v.* Alexr. Forbes of Colquhane. It does not appear what the claim here was; but a written Obligation, with clause of relief dated 18 Sept., was produced by Mr. Robert Paip, as procurator for Alexr. Forbes of Towie, the cautioner.



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1608.

Sept. 23. **Loosings of Arrestments.** John Forbes of Petsligo and his tenants of Bannamone, Keak, Carnequhyne and Cowboig and Wm. Irving of Murthell *v.* Alexr. Irving of Drum and Davidstone in Corsgicht. Forbes' arrestment was against the Laird of Drum and his tenants of Grissehill, Brownhill and Bomakellie, while William Irving's referred to a part of Allathen. Cautioner Patrick Davidstone, burges of Abd.

\* Alexr. Alshioner in Kirktoon of Echt *v.* Donald Gordone in Kirktoon of Echt. Cautioner Matthew Youngsone, burges of Abd.

Alexr. Abircromlie of Pitmedden *v.* James Leslie in Buchanstone. Cautioner Alexr. Seingzeour, burges of Abd.

Mr. Wm. Forbes of Mainy *v.* Wm. Merse in Sonnahard. Forbes claimed from Merse certain rents and others for "twa pleuchis land of Carnculie." Cautioner Alexr. Blakhall, maltman in Abd. [Signature cancelled].

26. The same *v.* the same. Apparently the same claim. Cautioner Duncan Blakhall in Slepiehillock.

Octr. 1. Gilbert Scherar, burges of Abd., *v.* George Ogilvie, flesher there. The claim was for £20, the price of an ox said to have strayed and been "houndit" away by Ogilvie's "doigis." Cautioner Wm. Blackhall, maltman, burges of Abd.

Alexr. Fraser of Forrest *v.* John Murres, Andrew Innes, and others, occupiers of Stethlie [Strathellie] in the parish of Rethin, and Patrick Chalmer at the Mylne of Strehin and another, occupiers of the lands of Strehin. Corn sown "upon the South syd of the Hill of Mormond and West newk thair of besyd that pairt of the samen hill callit Stauriehill and on the West syd of the said Stauriehill." Cautioner Thomas Burnet, burges of Abd.

4. James, Earl of Murray, *v.* Wm. Cruickshank in the Seatis and Alexr. Symmer in Lairshill. Corn sown upon the "South and West syd of the Reid burne." Cautioner Wm. Setoune of Disblair.

5. William, Jean, Agnes, Margaret and Cristiane Hay, lawful children of the late Andrew Hay in Cremond Gorthe, *v.* John Meldrum at the Mylne of Sauphak. The complaint here was that Meldrum had wrongously intromitted with the effects of the late Alexander Keyth of Carnes and Annas Keyth, his wife. Cautioner Alexr. Meldrum in Auld Craig.

6. George Gordoune of Terpersie *v.* Thomas Allardes in Bruklis. Claim for rent of the sunny half lands of Bruklis crop 1608. Cautioner Wm. Barclay in Pitdoulis.

7. The Provost, Baillies and Council of Abd. *v.* Gilbert Menzeis of Petfoddellis and Robert Symson his tenant in Gelkquhomstone. Corns "upon the Southe syd of the fauld callit the Theifis fauld of Gelkquhomstowne." Cautioner James Menzeis, burges of Abd.

## Aberdeenshire Sheriff Court :

1608.

Octr. 8.      **Loosings of Arrestments.** Gilbert Wass, sometime in Cultis, *v.* Wm. Mylne in Cultis. Cautioner John Carnie, burgess of Abd.

11.      Mr James Forbes of Woodland *v.* Mr. Robert Maitland of Auchincreeff and David Straquhan his tenant of Afflek. Corn crop growing upon Afflek, described as situated in the parishes of Ellon and Tarves or Chrystis Kirk, shorn and unshorn. Cautioner Peter Maitland, burgess of Abd.

12.      James, Earl of Murray *v.* Wm. Ray in Toux. Corn crop on the South and West side of the "Reid burne of Fintray." Cautioner James Jhonstoune of Baudindauche.

William Forbes of Thornetowne *v.* Wm. Setoun of Blair. Crop sown by Setoun and his tenants on that part of Blair "callit the Bodfeild." Cautioner Alexr. Pantoune, Portioner of New Rane.

13.      John Leslie of Wardes *v.* James Merstowne and Janet Forbes, widow of Wm. Farquhar, both tenants of Auquhorsk under John Leslie of Petcapill; also John Leslie of Flinderis *v.* the same parties. The part of the lands of Auquhorsk in the parish of "One" on which crop was arrested was called "Neddermyir [or Middermyir] and Fauldheids." Cautioner Alexr. Farquhar in Auquhorsk.

Leslie of Wardes and Leslie of Flinderis *v.* Alexr. and Walter Farquhar in Auquhorsk. In this case the Farquhars are described as occupiers of Auquhorsk under James Mortymer of Craigiwar. The places are named as in the foregoing entry. Cautioner James Merstowne in Auquhorsk.

22.      Alexr. Cuming of Culter *v.* Robert Forfar in Bingzell. Peats on the lands of Bingzell. Cautioner Patrick Forfar, burgess of Abd.

Alexr. Banerman of Wattertowne and John Innes of Elrick *v.* James Craignyill in [illegible] and Janet Ogstowne, widow of Robert Craignyill at the Mylne of Mekill Elrick. Cautioner John Kynneir, burgess of Abd.

Novr. 10.      Wm. Lindsay in Bredfuird of Auchlevin *v.* John Leythe and John Davidsons in Edingerrak. Lindsay's claim was for having been evicted from Edingerrak by Leythe and Davidsons. Cautioner John Leythe, burgess of Abd.

11.      **Witchcraft.** The Crown *v.* Agnes Chapman in Finzeis. Alexander Findlay in Finzeis bound himself that the accused should appear on 23 Novr., to be tried for the alleged "wicking of unquhill Cristian Fraser, sumtyme Ladie Meldrum."

**Procuratory.** Margaret Blakhall, only daughter and apparent heir of the late Wm. Blakhall of that Ilk, with consent of Mr. Andrew Mortoun, Minister of Fowllis, her husband, appointed Mr. Robert Paip, Mr. William Barclay, and Mr. John Leythe, all Advocates in Aberdeen, to be her procurators for obtaining her served heir to her father by either special or general service.

## Judicial Enactments : Vol. II., Contents

1608.

Novr. 12. **Loosings of Arrestments.** James Forbes of Lethintie *v.* Andrew Ross in Fechill. Claim for past due rent of Fechill. Cautioner Walter Buchane in Ardlethin.

James, Earl of Murray, and John Gordone in Wester Fintray, *v.* John Wod at the Mylne of Fintray. Peats, &c., alleged to be within the bounds of Wester Fintray. Cautioner James Gordone of Breakay.

14. John Hay of Knappisleisk *v.* Robert Cuming, sometime in Knappisleisk, then at Mylne of Wass Birness. Claim for past due rent. Cautioner Alexander Cuming, burress of Abd.

**Renunciation and Discharge.** John Gordone in Tombeig and Elspet Irving his wife in favor of John Gordone in Inzeane. John Gordone in Inzeane, who was father of John Gordon in Tombeig, had provided for the payment to his son and daughter-in-law of 1000 merks at his death. This provision was now renounced and discharged, the young people agreeing to accept whatever the elder man should either give or leave to them.

16. **Renunciation and Discharge.** Marjorie Elphingstone, wife of Walter Innes of Ardtaneis, renounced her terce of Ardtaneis, reserving her conjunct fee and life-rent of the Mill, Croftis and others contained in the infeftment made to her husband and her by the Laird of Wardres.

19. **Loosings of Arrestments.** Thomas Gordone in Mylne of Dess *v.* James Davidstone in Kincardyne. Certain debts were alleged as the cause of this arrestment. Cautioner John Gordone of Tilliquhodie.

Mr. Alexr. Cheyne in Auld Abd. *v.* John Mylne in Chapelthouse. Cheyne, alleging himself to be legator of the late Dame Helenor Bruce, Lady Essilmont, claimed teind victuall from Mylne. Cautioner Arthur Pantoune in Allathein.

22. **Renunciation and Discharge.** Isobell Leslie, wife of Patrick Leslie of Chepelthouse, renounced in favor of George Leslie of that Ilk, all right or claim she might have to any part of the "landis or leiwing" of the Barony of Leslie, and specially eight oxengait of Auld Leslie "callit the eist pleuche" thereof. Certain reservations were made, and a reference was introduced to a Contract between the parties signed on previous day.

**Renunciation and Discharge.** Margaret [Her]vie, wife of Bartholl Leslie of Chepelthouse, granted in favor of George Leslie a renunciation similar to the immediately preceding entry; but the special renunciation was of the lady's rights to the Corn Mill of Leslie, &c.

## Aberdeenshire Sheriff Court :

1608.  
Dec. 16.     **Judicial Bond and Obligation to Remove.** John Leslie, burges of Abd., Elizabeth Leisk his wife, and Henry Sinclair<sup>1</sup> of Auchinfranco her son, granted in favor of John Touche, burges of Abd., a Bond for £20, payable £10 at Martinmas and £10 at Whitsunday following, and an obligation to remove, under penalty of £100, from a tenement of foreland upon the West side of the Gallowgate, belonging to Touche, which is described in the entry, at Whitsunday 1609.
17.     **Loosings of Arrestments.** Mr. John Cheyne of Petfichie *v.* Thomas and Alexander Gordone in Fechill. Claim for the rents of the “fyift part of the towne and landis of Tanerae” in Logybuchan. Cautioner Alexr. Pantone in Cragie.
- The Procurator Fiscal *v.* George Malice in Thomsonishill. The charge was the stealing of four ells of cloth. Cautioner Wm. Watson in Carnie.
- Gordone of Haddo *v.* George Dowertie in Schethyne. Claim for rent, &c., in connection with the occupation of Ardchedlie in Tarves. Cautioner John Middiltoune, Baxter, burges of Abd.
28.     Alexr. Forbes of Finzeis *v.* Alexr. Findlay in Phillaw and Alexander Findlay the elder. Claims in connection with the occupation of Finzeis. Cautioner Mr. George Bodie, burges of Abd.
1609.  
Jan. 16.     **Discharge of Legitim, &c.** George Johnston, eldest son of the late Wm. Johnstowne in Kayismylne, and Janet Keyth his wife, in favor of Gilbert Johnstowne of Muirtowne and James Johnstowne of Baudindauche and others. The sum in consideration of which this discharge was granted was 300 merks and £22 5s, which was the granter's share of a sum of 1000 merks lent on wadset on the lands of Kingudie in Bourtie.
18.     **Loosings of Arrestments.** Thomas Moir in Lethintie *v.* Alexr. Paip in Conglas. Cautioner Mr. Robert Paip, Advocate in Abd.
21.     Paull Menzeis of Kynmundie *v.* James Ray there. Claim for rent. Cautioner George Craigheid in Kynmundie.
- Alexr. Banerman of Watertoune *v.* Thomas Craigmyll at the Brigend of Fywie. Thomas Craigmyll had been intromitting with the estate of the late Robert Craigmyll his brother, against whom Banerman had a claim in connection with the occupation of Elrick in Deer. Cautioner John Gordone of Ardlogie.
27.     John Gordone of Tilligreig, Sheriff Depute of Abd., *v.* Wm. Elphinstowne in Auld Craig. Cautioner Mr. Patrick Cheyne at the Mylne of Auchry.
28.     Alexr. Howet in Newhillis *v.* Walter Steiwin in Boigfarlie. The “allegit spoilzeatioune of tua meiris, ane thair of blak and ane other gray.” Cautioner Patrick Donaldsone, burges of Abd.

1 For the general service of Sinclair, *vide* p. 38 *supra*.



## Judicial Enactments : Vol. II., Contents

1609.

- Febry. 15.     **Loosings of Arrestments.** The Provost and Baillies of Abd. *v.* Gilbert Menzeis of Petfoddells and Robert Symsons his tenant in Gelkquhomstowne. The Provost and Baillies had arrested the "faill" which Menzeis and Symsons had "cassin upone the West end of the Cardowne fauld of Gelkquhomstowne." Cautioner James Menzeis, burgess of Abd.
17.     Robert Bowman in Strauthdounne *v.* Wm. Stewin in Ord, Auchindoir. Claim for Bowman's wife's "bairns pairt of geir." Cautioner Mr. Hendrie Ross, persoun of Ryne and Essie.
24.     Andrew Stewin, burgess of Abd., *v.* Alexander Craigheid in Abd. Ten bolls of malt arrested in the hands of Wm. Blakhall, maltman. Cautioner James Craigheid, Indweller in Abd.
- Mch. 13.     Elspeit Fraser in                     *v.* Wm. Abirnethie in Knokleythe. A money claim. The precept for arrestment was issued by Mr. John Horne, Baillie of the Barony of Frendraucht. Cautioner Alexr. Cruikshank, burgess of Abd.
31.     John Seytounne of Meldrum *v.* George Crichtounne of Tillikerrie. Arrestment used to secure the rents of Cattie. Cautioner George Leslie of Crechie.
- April 4.     **Revocation of Deeds granted in Minority.** David Forbes of Puttachie, stating himself to be under 21 years of age, revoked generally all writings granted by him to his disadvantage, and specially an obligation, whereby he had become cautioner to John Gordone of Crabistounne on behalf of John Forbes of Tillikerrie.
7.     **Loosing of Arrestment.** George Gordone, elder, and George Gordone, younger of Terpersie, *v.* Duncan Cowtis in Myln of Cowlie. Special arrestment of corn, &c., at Mill of Keig. The Gordons had a claim for "comptis and rakinings" with Cowtis. Cautioner John Mylne, Tailzeour in Abd.
15.     **Renunciation, Ratification and Obligation.** Agnes Gordounne, widow of Alexr. Banerman of Wattertounne, and Alexander Banerman of Wattertounne were the granters in the following circumstances :—The deceased laird of Wattertounne had obliged himself to convey in certain proportions to Arthur Seytounne in Abd. and Helen Abirnethie his wife, George Seytounne of Schethin, George Seytounne at the Mylne of Saphak, and Bessie [?] Lowson his wife, and Alexr. Seytounne in Cheppelltonne of Essilmont, certain roods, &c., boat and white fishing in the Burgh of Newburgh, and also the East side of the town and lands of Bomakessie in Ellon. The widow had doubtless certain claims on these, so that before the transaction was carried out it was necessary to obtain this renunciation and ratification. On the other hand, Alexr. Banerman bound himself to provide to her the liferent of the Mains of Wattertounne.
22.     **Loosings of Arrestments.** Thomas Gordone in Abd. *v.* Thomas Tailzeour in Abd. Cautioner Gilbert Davidsone, Tailzeour, burgess of Abd.
- May 3.     Mr. Wm. Barclay, Procurator Fiscal, and Mr. Richard Irving of Hiltounne *v.* James Brabner, burgess of Abd. Cautioner Mr. Patrick Cheyne, burgess of Abd.



## Aberdeenshire Sheriff Court :

1609.  
May 10.

- Loosings of Arrestments.** Isobell Symsons in Badiforay and John Robertsons, Notary Public in Clunie, *v.* Andrew Lasone in Kirktoone of Touche. The female pursuer was sister and apparent heir and successor to the late Patrick Symsons, with whose effects Lasone had been intromitting. Cautioner Wm. Gardyne, Skynner, burgess of Abd.
13. Annas Fraser, lawful daughter of the late Alexr. Fraser of Mekill Creichie, and Robert Keythe of Auldmad, Mr. Andrew Keythe, Persoune of Kineduard, and John Hay, burgess of Abd., her curators, *v.* Margaret Innes, widow of John Fraser of Creichie. The claim by Annas Fraser was for bairns' part of gear arising on her father's death. Cautioner John Keythe in Auchtilair.
16. Arthur Forbes of [?] Badiforay *v.* Alexr. Forbes in Brumhill. Cautioner Wm. Touch in Arsballache.
17. Dame Girsell Stewart and W. Seytoun of Meldrum her husband *v.* James Gordoune, Younger of Lesmoir, and his tenants and servants in Carvethinis. Peats cast by Gordoune and his people "within the Moss of Carvethinis and Gerreis," in the parish of Drumblait. Cautioner Alexr. Jaffray, Baillie, burgess of Abd.
19. **Judicial Obligation.** James Craigheid and Alexander Craigheid his son in favor of Robert Irving, second lawful son of Mr. Richard Irving of Hiltoun, Sheriff Depute of Abd. The amount acknowledged was 100 merks, being the value of certain farm [or rent] beir which was due to Irving by the Craigheids. The presiding judge was Mr. Richard Irving, the father of the creditor. The real debtor was Alexander Craigheid.
20. **Loosing of Arrestment.** Gilbert Bard of Auchmedden *v.* John Cruikschank in Glencuthill and Wm. Cruikschank his son. Claim for rents of Glencuthill, which was said to be situated in the Barony of Glendowachie. Cautioner Wm. Keir in Auchreinie, whom John Keyth of Northfeild, submitting himself to the jurisdiction of the Sheriff of Abd., bound himself to relieve.
27. **Assault — Blood-drawing.** The Sheriff *v.* George Wood in Glasco. The charge was of "hurting, vonding, and bluid-drawing of Wa. Elmslie, George Elmslie his sone, and Wa. Elmslie in Thainstoun, and hurting of the said Wa. Elmslie's wyif, and also hurting of Duncane Elmslie's wyif, quhairby scho pairtit with bairne." Cautioner Wm. Forbes in Auchequhorsk.
30. **Assault—Blood-drawing.** The Crown and Sheriff *v.* Duncan Elmslie in Rachehill. The charge against Elmslie was of the "crewell and unmerciful hurting, vonding, and bluid-drawing of Wa. Chessour in Gasco [Glasco] upon the Sabothe day, quhairbe he is apperandlie to depairt this present lyif." Cautioner Hendrie Robertsons, Cordoner, burgess of Abd.
31. **Assault—Blood-drawing.** The Crown and Sheriff *v.* James Chessour in Leyludge. James Chessour was charged with the "hurting, vonding, and bluid drawing of Wa. Elmslie in Thainstoun, Wa. and George Elmsleis in Wretoun, upon the Sabothe day, quhairbe they ar appeirandlie to depairt this present lyif, and for distructione of ane bairne quhilk Duncane Elmslie's wyif is pairtit with." Cautioner Walter Cheyne in Tillibin.

## Judicial Enactments : Vol. II., Contents

1609.

June 2.     **Assault—Blood-drawing.** The Crown and Sheriff *v.* James Chessour in Glascoforrest. The charge here was of assaulting the three Elmslies mentioned in the preceding Act. Cautioner John Keyth in Tertowie.

3.     **Loosings of Arrestments.** George Meldrum of New Mylne *v.* Wm. Jamesone at the New Mylne of Auchterles. Rents of New Mylne claimed. Cautioner Arthur Chalmer, Indweller in Abd.

Wm. Leask of that Ilk *v.* John Davidsone in Belscampie. Arrears of rent of Belscampie claimed. Cautioner David Davidsone in Crowden.

Wm. Straquhin, Elder of Glenkyndie, *v.* Gilbert and John Robertsone at the Mylne of Auchnagat. Arrears of rent claimed. Cautioner John Erskyne of Balhagertie.

**Discharge of Wadset.** James Forbes, sometime in Auchquheirthin, then in Milneboy, in favor of Mr. Robert Gordoune and Katherinein Irving his wife, and James Forbes of Lethintie. A plough of the Middle third of the lands of Fechill had been alienated by James Forbes of Lethintie and Fechill, with power of redemption on payment of 600 merks. To the right of redemption Lethintie had constituted Gordoune and his wife assignees, so that on payment by them the debt was discharged.

**Loosings of Arrestments.** John Leyth of Harthill *v.* Wm. and Robert Abircrombie in Kenells and Alexr. Abircrombie of Birkenboig. Peats, &c., in the moss "callit the Coikmoss lyand within the parochin of Rane." Cautioner Hector Abircrombie of Wasthall.

Mr. John Ross, Minister at Clunie *v.* James Forbes in Rannallache. There was specially arrested a sum of £100 in the hands of John Kar at the Milne of Clunie. Cautioner Arthur Garzeauch in Carnecowlie.

5.     **Assault—Blood-drawing.** The Crown and Sheriff *v.* Wm. and George Elmslie in Wretoune. The charge was in terms similar to those recorded a few days earlier, the injured men being Wm. Chessour in Glasco and John Gray in Auquhrinne. Cautioner James Andersone, Litster, burges of Abd.
6.     **Loosings of Arrestments.** Lilius Craufuird, widow of Robert Innes of Elrick, and Alexr. Banerman of Wattertoune *v.* Alexr., Wm., and James Pettindreiche in Quythill and Loskedlie. Both pursuers were arresting independently for rents. Cautioners David Craik in Burnegrains and Richard Symsonne in Dilspro.
7.     Patrick Leslie of Kincraggie and George Leslie apparent thereof *v.* Andrew Straquhin in Tilliemair. Claim for rent. Cautioner Micheall Youngsone, Saddler, burges of Abd., whom John Forbes of Tillekeirie bound himself to relieve.

Mr John Lumisden at the Brig of Done *v.* Thomas Watsone in Murcar. Claim for alleged wrongous intronission with a ewe. Cautioner Alexr. Gordoune in Kethokismylne.

## Aberdeenshire Sheriff Court :

1609.  
June 7.

- Loosings of Arrestments.** Alexr. Leslie, son of the late Alexr. Leslie in Raithes, *v.* Robert Merser in Auld Abd., and Agnes Hervie his wife. A money claim. Cautioner Henry Mowtray in Wastfeild. Mr. Arthur Watt, Advocate in Aberdeen, joined in Merser's obligation to relieve the cautioner.
8. John Vilsone in Chrystis Kirk *v.* George Layng, burges of Abd. A money claim of £4. Cautioner John Leslie of Lergie.
10. John Kellie in Teiltie [Tavelty] *v.* James Cruvis in Auquhorsk. The alleged spuilzie of "ane broune hornit kow." Cautioner George Tailzeour in Auquhorsk.

**Renunciation and Discharge.** Isobell Leask, wife of Adam Gordoune, the brother german of the "Richt Honorabil" George Gordoune of Gicht, renounced for a consideration of 2500 merks all her right to the "tua pairt landis of Mains of Leask," &c., in favor of William Leask of that Ilk, and her husband consented.

13. **Removing.** Walter Cheyne of Arnage and Wm. Cheyne in Essilmont *v.* Gilbert Watsone in Lammermure in the Barony of Arnage. Watsone consented to remove.
14. **Loosings of Arrestments.** Alexr. Abircrombie of Birkinboig, Wm. Abircrombie in Kemmells, and Robert Abircrombie at the Mylne of Pettmedden *v.* John Leyth of Harthill and his tenants of Lowess, Bonitoune and Kirktoune. Peats, &c., in the moss "callit the Coikmoss and Moss of Kirktoune of Rane." Cautioner George Leyth in Kirktoune of Une [Oyne].
21. Andrew Keyth of Karnetradlen *v.* Thomas Fraser of Lytill Kinnadie and his tenants. Peats, &c. Cautioner James Keyth of Kinnadie.
30. Wm. Gordone of Abirzeldie *v.* Nicholl Inchemedden in Medler, James Broune there, William McKie there, Robert Jaffray there, and Isobell Hunter there. Peats, &c., cast upon the West part of the "Hill of Fair" as part and pertinent of Wm. Gordone's lands of Ballogie in the parish [*sic*] of Ballogie. Cautioner Thomas Burnet of Craigmyll.

July 1. **Renunciation.** Isobell Lumisden, wife of Patrick Forbes of Drumlasie, renounced in favor of Arthur, Lord Forbes and James Forbes his natural brother the town and lands of "Waster Tolmaids," in the Barony of Cluny and parish of Kincardin.

6. **Revocation by a Married Woman.** Katherine Hay, wife of John Donaldson, burges of Abd., on the narrative that her husband had compelled her to give her consent to a certain contract, and on the ground that a clause had been surreptitiously added after the clause of registration and insertion of the names of witnesses, now revoked her consent. A number of persons are mentioned in the entry, and the "New Colledge of Elgyne" is referred to.
7. **Manslaughter.** The Crown and Sheriff *v.* Thomas Adame in Auchinquhirie. The accused was charged with the slaughter of John Chrystie, minor in Tilliboy.

## Judicial Enactments : Vol. II., Contents

1609.  
July 8. **Loosings of Arrestments.** James, Earl of Murray, Lord Doun, &c., *v.* John Wod of the Milton of Fintray and others. Peats, &c., cast in "the Commountie and out bounds of the lands and townes of Easter and Wester Fintrayis." Cautioner James Gordone of Brakay.

14. John Irving of Petmurchie *v.* Nicoll Ross of Auchlossin and his tenants. Peats, &c., said to have been cast within the bounds of Petmurchie. Cautioner John Farquharsone of Cloak.

15. John Leslie of Petcapill *v.* Wm. Forbes, Fiar of Bairnes. Peats, &c., upon any part of the lands of Thorntoun. Cautioner Wm. Forbes, burgess of Abd.

**Deforcement and Assault.** Alex. Andersone, Sheriff Officer, and James Bonar *v.* John Jamesone in Drumallachie. Bonar, who was apparently Anderson's assistant, was assaulted and Anderson deforced. Cautioners James Tosheache in Drumallachie and Archibald Reid in Elphehillok.

15. **Loosings of Arrestments.** Robert Forbes of Brux *v.* Thomas Bonar in Macher's hauche. Peats, &c., on the West side of Macher's hauche. Cautioner John Gordoune in Geauche.

18. Wm. Chalmer in Petmedden and Wm. Thome in Boiginwis *v.* David Galloway in Standingsteanis. Cautioner John Lumsden, Baxter, burgess of Abd.

19. **Discharge of Wadset.** Thomas Spens, second son of Thomas Spens, then in Bruntsteane, granted in favor of James Gordoune, younger of Lesmoir, a discharge for the sum of 4800 merks, and released the Lands of Peireismylne, &c., in Drumblade.

**Loosings of Arrestments.** Paull Menzeis of Kinmundie *v.* John Leithe of Engerek [Edingarrak], Adam Gordoun of Boigholl, and Agnes Keythe his wife. Leithe was proprietor of the North half of Boigholl, and Gordoun and his wife of the South half. The corns and peats sown and cast by them and their tenants upon part of the Hill of Drumnagair, which Menzeis claimed, and which is very fully described in the entry, had been arrested. Cautioner George Lang, burgess of Abd.

22. Alexr. Gordoun of Lytill Gowill *v.* Wm. Forbes of Logiefintray. Peats, &c., upon the ground and moss of Suallend. Cautioner Mr. George Hervie of Kinermeit.

26. Charles Chalmer in Waster Fintray *v.* Robert Chalmer in Waster Fintray. Peats, &c., upon the Hill of Saphak. Cautioner Mr. Wm. Ray, burgess of Abd.

John Leithe of Edingarrak, Agnes Keythe, liferenter of the South half of Boigholl, and Adam Gordoun her husband *v.* Paull Menzeis of Kynmundie. This was evidently a cross arrestment to the one referred to in the entry of 19 July. Cautioner James Menzeis, burgess of Abd.

27. John Bruce at the Meikill Mylne of Esselmont *v.* Patrick Ligertwood in Bourhills, Thomas Cattow there, and John Thomson in Ulaw. Money claims. Cautioner Wm. Mowtray, occupier of eight oxengait of Parvinnes.



## Aberdeenshire Sheriff Court :

1609.  
Augt. 5.     **Loosings of Arrestments.** Wm. Chalmer in Auchquhortie and John Chalmer his son *v.* Alexr. Chalmer in Freddahill. Cautioner George Gordoun in Boginjohnie.
9.         Alexr. Richie in Braka *v.* Michael Strathe in Abirdour. Cautioner John Tailzeour in Abirdour.
12.       John Kar in Clunie *v.* John Watstone in Wairdheid. A claim for 25 merks of dot and tocher promised to Kar by Watstone, with his sister Margaret Watstone. Cautioner Wm. Watstone in Auchinclaithe.
- Wm. Michell at the Kirk of Tyrie *v.* Edward Michell in Tyrie. A claim for three bolls of bere. Cautioner Robert Perk in Rothnachie.
15.       George Jhonstoune, burges of Abd., *v.* Mr. Richard Irving, burges of Abd. The arrestment was laid on five barrells of salmon due to Irving by Gilbert Dowie as rent. The fish were said to have been taken by Dowie from Irving's "half netis salmond fisching in the Kingis Keawill of the Water of Done." The fish were also said "to be markit on the said Mr. Richard his merk as his maill fische." Cautioner Thomas Donaldsone, burges of Abd.
16.       Wm. Thome and Agnes Jaffray his wife *v.* Hector Abircrombie of Wasthall and his tenants. Thome and his wife agreed that, notwithstanding an arrestment used by them in Abircrombie's hands against Wm. Leith, burges of Abd., the victuall arrested might be delivered.
19.       James Reid in Camphell *v.* John Auld in Balvak and John Wilsone there. Cautioner James Clark alias Roye in Cluny.
21.       Alexr. Cuming of Cultar *v.* Robert Forfar in Binghamill. Corn sown "be northe and be wast the Den of Murthill," alleged to be within the bounds of Bainshill, belonging to the laird of Culter. Cautioner James Cowpar, burges of Abd.
26.       Alexr. Irving of Drum *v.* Alexr. Cuming of Cultar and his tenants of Hollmill. Corn sown "on the east syde of the Burne of Leuchar and northe syde of ane croft callit Tailzeours croft, occupeit be Williame Donald on the southe syde of the stryipe callit the Keill stryipe of the Hollmill." Cautioner John Gordone, lawful son of George Gordone of Terspersie.
24.       Thomas Spence in Bruntstane *v.* Thomas Spence in Dummuis. Cautioner James Andersone in Dunbenan.
- Sept. 2.     Robert, Gilbert, Margaret, Marjorie, James and Janet Smyth, children and executors of Wm. Smyth in Artrochie *v.* Wm. Buchane in Meikill Artrochie. Cautioner John Vilguis in Artrochie.
4.         Alexr. Cuming of Cowter *v.* Alexr. Irving of Drum and his tenants of Craigtounie. Corn, &c., sown "be northe or be eist the Gallie boge" or "uponne the eist syde of the Burne of Leucher." Cautioner Mr. Gilbert Ross, burges of Abd.
6.         James Gordone, Fiar of Newtounie, *v.* Alexr. Reid, sometime in Knokinbard, then in Lencheoch. Cautioner Robert Forbes in Auldtounie of Wardes.

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1609.

Sept. 6.

**Tutory.** Alexr. and Adam Jaffray, children of the late Adam Jaffray in Cortheis. Micheall Jaffray in Cortheis, who had been appointed tutor by letters under the great seal, dated 17 June preceding, accepted office, took the oath *de fidei*, and found Alexr. Jaffray, burgess of Abd., as Cautioner.

14. **Loosings of Arrestments.** James Gordoune, apparent of Lesmoir, Gordoune his son and apparent heir, and Alexr. Gordoune of Lesmoir his father, v. Thomas Gordoune in Artlache. Corn, &c., upon the lands of Tilliminet. Cautioner John Gordoune of Badinzone.

James, Earl of Murray, v. Wm. Setoune of Disblair, Alexr. and Wm. Symmer in Lairshill, and Wm. Cruikshank in Seittis. Corn, &c., upon the West and South of the "Reid burne." Cautioner John Meldrum of Ordley.

Wm. Forbes of Corsinday v. Wm. Forbes of Petflug and his tenants. Corn, &c., sown "within the Strathe of Meikill Endovie." Cautioner Arthur, Lord Forbes.

18. **Assythment** Mr. Alexr. Irving, Advocate in Abd., v. Thomas Fraser of Doiris. By this act Alexr. Burnet, burgess of Abd., became cautioner for the laird of Durriss that he should pay to Irving 1000 merks as assythment for the slaughter of Thomas Burnet of Cokardie by his sons Thomas and Mr. Patrick Fraser. Irving was stated to be nearest kinsman of the deceased on the mother's side.

20. **Loosings of Arrestments.** John Feichie, servitor to the guidmane of Carnbady v. Robert Perk, indweller in Abd. "Twa blak quyeks" had been arrested. Cautioner Andrew Ewin, burgess of Abd.

Alex. Gordoune of Suailend v. James Donald in Monycabak. Peats, &c. Cautioner Patrick Butter of Elrick.

William, Lord Keyth, Master of Merschell v. Alexr. Davidsone in Perk of Cremound and Robert Nicoll there. Corn, peats, &c., within the bounds of the town and lands of [?] Saterhills.

23. John Forbes of Echt v. John Reid in Bolquharne. What was sought was that Reid should remain in and manure his "tak" and pay his rent. Cautioner James Auchinhuiff, burgess of Abd.

John Leithe, Apparent of Harthill, v. Adam Leithe in Mylnebiging. A money claim. Cautioner John Leithe of Harthill.

24. James Gordoune, Fiar of Newtoun, v. George Leithe in Mellingsyde and Thomas Merschell. Crop on Mellingsyde in security of multures. Cautioner Wm. Setoune of Disblair.

Nicoll Ross of Auchlossin v. Robert Carneigie of Waster Kingcardine and John Cowtis at the Mylne thereof. "Faill cassin upone the east syde of Nather Loche of Auchlossin." Cautioner John Gordoune of Tillquhowdie.

## Aberdeenshire Sheriff Court :

1609.  
Sept. 26.     **Loosings of Arrestments.** James, Earl of Murray, *v.* Wm. Forbes of Logie-fintray and his tenants. Corn growing upon the Reid burne and Wodheid. Cautioner Gilbert Johnestoune of Ouirtoune.
27.     Wm. Irving of Murthill *v.* Alexr. Cuming of Cowter and John Strauchine in Baneshill. Peats, &c., upon the "wast, northe wast and northe pairties of Binghill and Neilstoune." Cautioner Wm. Irving of Hollmylne.
28.     James, Earl of Murray, *v.* Henry Smart in New Place of Balbithen. Corn sown in the Moss of Waster Fintray "callit the Moss of Saphak." Cautioner George Keyth, Saddler, burgess of Abd.
28.     John Arskine of Pettodrie *v.* Wm. Strauchin of Glenkindey, Alexr. Strauchine of Touxhill, and Alexr. Strauchine, Fiar of Glenkindey, and tenants. Corn sown on [?] Bannagait or upon the "bak moss of Auchnagat." Cautioner Alexr. Gairdyne of Banchrie.
29.     Alexr. Bowar *v.* Wm. Smith in Brounhill of Baquhollie. Corn standing on the lands of Jaxtoun. Cautioner Gilbert Andersone in Culcox of Schewes.
30.     Alexr. Gordoune, lawful sone of the late John Gordoune in Fuliament, *v.* John Gordoune, younger of Auchindoir. It would appear that the late Wm. Gordoune of Auchindoir, as tutor to Alexr. Gordoune, had arrested in the hands of John Gordoune 60 merks due to his pupil. The young man being now of age, agreed to the loosing of the arrestment, reserving his claim for the money against John Gordoune, now designed as of Craig.
- Assault—Blood-drawing.** David Wilsone in Culcax *v.* George Greif in Auchin-creiff. Cautioner James Greif in Tiftie.
- Octr. 2.     **Loosings of Arrestments.** Alexr. Hay of Brunthill *v.* Wm. Hay, apparent of Brunthill. Cautioner Wm. Leisk of that Ilk.
- James, Earl of Murray, *v.* Wm. Ray and other tenants of Middiltoune of Disblair. Middiltoune belonged to John Johnestoune of that Ilk, and the entry discloses still another dispute about ground adjacent to the Reid burne. Cautioner James Johnestoune, younger of Isakstoune.
3.     Thomas Dempster of Auchterless and James Dempster, Fiar thereof, *v.* Gilbert Mair in [?] Stures of Auchterless. Cautioner Wm. Leithe, burgess of Abd.
- Wm. Skeine, burgess of Abd., *v.* Elizabeth Leslie and Thomas Cuming, burgess of Abd., for his interest. The arrestment here included rents in the Burgh of Abd. Cautioner John Forbes of Waster Echt.
- James, Earl of Murray, *v.* Henry Smert in New Place of Balbithane. Corn, &c., sown on that part of New [? Place] Balbithane "callit Makeis Medowis and Suell of Finok." Cautioner Arthur Chalmer, indweller in Abd., son of the late John Chalmer of Balbithane.

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1609.  
Octr. 4.     **Loosings of Arrestments.** Wm. Straquhin of Glenkyndie and Alexr. Straquhin, Fiar thereof, *v.* John Erskyne of Balhagertie. Corn sown "betuixt the Guiss burne and the Walden burne quhill they cum to the burne of Banagoak," or on any other part of Auchnagat. Cautioner Wm. Forbes, elder, burgess of Abd.
7.     Wm. Gordoune of Saphak and Adam Gordoune of Boigholl his tutor *v.* James Innes in Annachie. The claim was for the rents of Chappeltoune of Scheiwes belonging to the pupil. Cautioners George Craufuird of Annachie and Patrick Cruikshank in Ardiffrie.
9.     Mr. John Leithe, Commissary Substitute of Abd., and Ursula Cheine his mother *v.* John Leithe in Liklieheid. Rents. Cautioner Robert Skeine of Tilliebirlache, brother in law of the arrestee.
- Wm. Smythe in Brounehill *v.* Alexr. Bower in Jakistoune. The claim here was for intrusion into Jakistoune, after renunciation had been made, and for violent profits. Cautioner Robert Smythe in Jakistoune of Bolquholie.
10.    Thomas Clerk, Fiddler in Newtoune of Premnay, *v.* Thomas Leslie, John Anderson, John Wilson and James Petirie, all in Chrystis Kirk. Claim for 100 merks. Cautioner Wm. Senzeour, burgess of Abd.
11.    **Assault—Blood-drawing.** Alexr. Craigie and Katherine Traill his wife *v.* Alexr. Gallaway in Murthill. A charge of the "bluid-drawing" of the female pursuer. Cautioner Alexr. Kempt, burgess of Abd.
12.    **Manslaughter.** The Crown and Sheriff *v.* Andrew Myntie in Waster Corss. The charge was "the slaughter of umquhill Wa. Mathie in Waster Corss." Patrick Forbes of Corss was cautioner for Myntie's appearance.
13.    **Loosings of Arrestments.** Mr. James Forbes of Knappernay *v.* Alexr. Chalmer at the Mylne of Keawill. Cautioner Wm. Symmer at Mylne of Keawill.
- Stephen Johnestoune in Elgan *v.* Elizabeth Leslie and Thomas Cuming her husband. Johnestoune, who was donator to the escheat of Wm. Skeyne, burgess of Abd., had arrested the rents due to Elizabeth Leslie as conjunct fiar of houses in Abd., and also the rents due to her husband. Cautioner John Forbes of Waster Echt.
16.    **Assault—Lawborrows.** Robert Fiddes in Futtie, Margaret Still his wife, and Martin Fiddes their son *v.* Alexr. Fiddes and Helen Nicolsone, his wife. The charge was for "dinging, striking, hurting and oppressing." The penalty in case of breach of lawborrows was £100. Cautioner Robert Paterson, Armorar, burgess of Abd.
28.    **Loosing of Arrestment.** Wm. Reid in Petblae *v.* Thomas Crystie in Con-craiges of Ardglassie. Cautioner Mr. Andrew Bedy, Skulmaister in Fraserburgh.
- Manslaughter.** The Crown *v.* Mr. Patrick Cheine, burgess of Abd. The charge was of the slaughter of Walter Mowat in Colpe. Caution 300 merks. Mr. John Cheine of Petfeichie was cautioner for accused's appearance.

## Aberdeenshire Sheriff Court :

1609.  
Octr. 31. **Loosings of Arrestments.** James Forbes of Lethintie *v.* Robert Moir at the Walkmylne of Bourtie. Cautioner Arthur Chalmer, son of the late John Chalmer of Balbithane.
- Novr. 1. Patrick Thomesone in Nether Ardllethin *v.* Robert Mackie in Nether Ardllethin. Cautioner David Meluill, servitor to Wm. Forbes of Tolquhon.
3. Thomas Leslie in Chrystis Kirk *v.* Thomas Clerk in Newtoun. Cautioner George Gordoune, son of Wm. Gordoune of Tillieangous.
10. Patriek Leslie of Kincragie and George Leslie, Fiar thereof *v.* Alexr. Andersone in Meikill Endowie. Cautioner John Abircrombie in Meikill Endowie.
13. James Murray in Cranloche *v.* John Geills in Auchintinder. Cautioner John Leslie of Lergie.
14. **Renunciation and Discharge.** John Leslie, apparent of New Leslie in favor of Andrew Leslie of New Leslie, his father. This was a Renunciation by the son in favor of the father of that part of a contract between them dated at Abd. 17 January 1605, whereby the father was bound to infest the son in the lands of (1) New Leslie, &c. in the Barony of Leslie; (2) Kirktonne of Chrystis Kirk and Tempill lands thereof in the parish of Kennethmont and Chrystis Kirk; (3) Ederlick &c. in the parish of Premnay; and (4) Inche in the parish of Inche. The rights of Janet Leslie, wife of Andrew and mother of John Leslie, under the contract were reserved, and John's right to twelve bolls of victual out the lands of Inche was not to be prejudiced.
- Loosings of Arrestments.** Wm. Gray in Cowburtie and John Andersone in [?] Satlingraw *v.* Alexr. Smyth in Tyrie. Cautioner Jaspert Mowat in Cremondgorthie.
- Bessie Leslie, daughter of the late Walter Leslie, "Reider" *v.* Wm. Irving in [?] Hagis and Elspet Crechtoun, his wife. Cautioner Wm. Dempster in Knokleyth.
15. **Assault—Blood-drawing.** John Birnie in Aucheireis and Jean Murray, his wife *v.* Andrew and Magnus Craik in Aucheireis. Cautioner Alexr. Fraser, portioner of Mensie.
17. **Loosing of Arrestment.** James Forbes of Lethintie *v.* Andrew Ross in Fechell. Cautioners Andrew Barcar, Baxter, burgess of Abd. and Gilbert Keythe at "the Portis of Cowie." The latter renounced his own jurisdiction [Kincardineshire] and submitted himself to the jurisdiction of the Sheriffdom of Abd.
21. **Lawborrows.** Alexr. Buchane of Auchmacoy and Wm. Buchane, his brother *v.* Mr. John Kennedy, Tutor of Carmuk. Caution 500 merks. Cautioner Alexander Kennedy, portioner of Asleid, brother of Mr. John Kennedy.
- Loosing of Arrestment.** John Williamsone, burgess of Abd. *v.* Walter, Patrick, Elspet, Marjorie and Agnes, children of the late Wm. Banerman of Asleid. 200 merks arrested in the hands of George Currou of Inchedrour. Cautioner James Andersone, Litster, burgess of Abd.



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1609.  
Novr. 21.     **Loosings of Arrestments.** Margaret Thorntowne, widow of Magnus Duff, burgess of Abd. *v.* The same. The same sum arrested. The same cautioner.
- Patrick Farfar, burgess of Abd. *v.* The same. The same sum arrested and the same cautioner.
22.             Clerk, widow of Wm. Flegler in Wastertowne *v.* the Representatives of the late Alexr. Duff of Torisoull. Cautioner Robert Keyth, burgess of Abd., whom Adam Duff, son of the deceased, bound himself to relieve.
29.             Alexr. Skeyne of that Ilk *v.* Robert Skeyne of Tillibirlauche. The claim was for the rents of Tillibirlauche for 1600. Cautioner Andrew Jamesone, Messone, burgess of Abd.
- Dec. 1.        Francis, Earl of Erroll *v.* Wm. Hay, apparent of Brunthill. The subjects arrested were 9 stacks of oats and 3 of bear belonging to Hay standing in the courtyard of Aucharnie [Auquharney]. Cautioner Walter Ord, servitor to "George Erll Merschell."
- Assault—Blood-drawing.** The Crown *v.* Alexr. Wat at the Corn Mylne of Mensie. Edward Fraser in Ardmakhorne was the person assaulted. Cautioner George Mill at the Mylne of Forrest.
2.             **Revocation of Deeds Granted in Minority.** Alexr. Skeyne of that Ilk, on the statement that he was now within the age of 21 years and entitled to revoke deeds done to his hurt, in addition to a general revocation, here specially revoked a liferent lease of Tillibirlauche granted by him with consent of his curators to Robert Skeyne his father's brother. [*Supra* 29 Novr.].
12.            **Loosings of Arrestments.** Gilbert Keyth of Aueheireis *v.* Alexr. Craik in Newtown of Aueheireis. Cautioner Alexr. Fraser, Portioner of Mensie.
19.            Mr. Richard Irving of Hiltoun *v.* Andrew Wentoun in Auld Abd. Claim for spuilzie of six sheep. Cautioner Mr. Robert Gardyne of Blairtoun.
30.            John Lyounne of Middiltoun *v.* Janet Farquhar widow of Wm. Watt in Middiltoun. Cautioner James Mortimer, Fiar of Cragyver, for whom Mr. Arthur Watt as procurator produced a cautionary obligation dated the previous day. The entry was signed by Mr. Watt as procurator.
1610.  
Jany. 3.        Mr. James Cargile, Doctor of Medicyne, *v.* Marjorie King sister german and Executrix of Thomas King, Burgess of Abd. and Wm. Chalmer her husband. Cautioners Alexr. Chalmer, Burgess of Abd. and John Roche, Minister there.
10.            Alexr. Buchane of Auchmacoy *v.* John Auchinhuiff in Cothill of Collistoun. Claim for rent. Cautioner Andrew Reid of Collistoun.

## Aberdeenshire Sheriff Court :

1610.  
Jany. 10.

- Revocation of Deeds Granted in Minority.** Patrick Forbes, apparent of Lethintie. This was a general revocation of deeds granted in minority and specially of an obligation to pay a tocher of 2000 merks with his sister Jane Forbes, who was married to James Gerauche of Kinstair.
12. **Assault—Blood-drawing.** Edward Mitschell in Tyrie *v.* Thomas Chrystisone in Eister Tyrie. Cautioner Thomas Cowie, Elder, Burgess of Abd.
17. **Loosings of Arrestments.** Alexr. Cardno at the Kirk of Phillorthe *v.* James Dilgarnocht in Rethin. Claim for the alleged spuilzie and detention of a three year old brown horse. Cautioner Alexander Craufourd, Portioner of Rethin.
- Andrew Reid of Collestoun *v.* Alexr. Buchane of Auchmacoy. Claim for the allegit spuilzie of “certane lyme.” Cautioner Wm. Buchane, Burgess of Abd.
18. John Scherar in Dubistoun *v.* Thomas Leslie in Chrystiskirk. A claim for £16 as the price of 20 lambs sold. Cautioner Wm. Sengzeour, Burgess of Abd.
20. **Examination of Havers.** Provost Alexr. Rutherfurde and Mr. Thomas Menzeis, sometime Baillie and a Burgess of Abd. These gentlemen were summoned in a Court of Session action to produce any writ in their possession defining the boundaries of the Baronies of Findon and Torry. It was agreed by Wm. Forbes of Monymusk and Wm. Forbes of Portlethin, apparent of Monymusk, who were evidently parties to the action, that the depositions should be taken before the Sheriff Depute in Abd. which was done. They both deponed that they neither possessed nor had any knowledge of such an “evident.”
- Loosings of Arrestments.** John Erskine of Balhagertie *v.* Gilbert Cassie in Bannagoak. A claim for 20 bolls victual as rent for the lands of Barrak, crop 1609. Cautioner James Baird in Fetterletter.
23. John Johnestoune of that Ilk *v.* George Johnestoune, burgess of Abd. This dispute arose out of the claim made by Helen Arbuthnot, wife of John Gordon of Tilligraig, for the conjunct fee of the third part lands of Middle Disblair, for warranty of John Johnestoune's title to which she held George Johnestoune liable. *Infra* 9 July 1617, Decree Books Vol. II. Cautioner James Lyell of Brinaleidie [or Bomaleidie], who prorogated the jurisdiction of the Sheriff of Abd.
24. **Discharge of a Decree.** Margaret Annand, widow of Robert Woid of Auchindarge, in favor of Arthur Johnestoune in Auchindarge and Thomas Greig at the Mylne of Fiddes. This was a Discharge of a Decree of Eviction and Spuilzie obtained in the Sheriff Court. Two notaries signed the entry for the lady who could not write.
- Reset of Theft.** Mr. Wm. Barclay, Procurator Fiscal *v.* George Johnestoun, burgess of Abd. The charge was for “melling & recepting of Metie Boig<sup>1</sup> with ane fang of the sowme of Five hundreth merks stowin monie and for recept of the said thifteous bute.” Cautioner Robert Johnestoun of Cremound.

<sup>1</sup> For another incident in this woman's history *vide* p. 15 *supra*.

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1610.  
 Jany. 27. **Loosings of Arrestments.** Alex. Buchane of Auchmacoy *v.* Andrew Reid of Collestoune. A claim for rents of Cotthill of Collestoune. Cautioner Mr. Wm. Reid, burgess of Abd.
31. Alexr. Cruikshank in Ellone *v.* John Stewin in Coilhill. Cautioner Mr. Alexr. Seytoun, indweller in Abd.
- Renunciation.** Agnes Gordoune, Ladie Wattertoune, widow of George Banerman of Wattertoune, renounced in favor of Alexr. Banerman of Wattertoune, her son (for considerations arrived at by arbitration), her rights to the lands and Barony of Elsick in Kincardineshire [fully specified in the entry], and also to the lands and Barony of Wattertoune [also fully specified].
- Febry. 7. **Loosings of Arrestments.** The Crown & Sheriff *v.* Estate of the late John Lintoune at the Brig of Done. Lintoune was alleged "to have puttin violent hand and drownit himself." Cautioner Patrick Leslie, burgess of Abd.
9. Alexr. Forbes in Turriff *v.* John Tod, there. A claim for the alleged spoliation of "tua fir beddis." Cautioner George Cruikshank, burgess of Abd.
17. Richard Symsons at the Mylne of Dilspro *v.* Marjorie Chalmer, widow of Patrick Ray in Denstoun. Claim for abstracted multures. Cautioner George Kyng in Grandhame.
23. Jean Merse, Executrix of Robert Merse, sometime in Tombeig, Elspet Irving, his widow, and John Gordoune, now her husband *v.* John Merse in Inver. The alleged spuilzie of 16 lambs, a black mare and a horse. Cautioner Wm. Lessell in Dillab.
24. **Removing.** Gilbert Johnnestoune of Muirtoune *v.* Andrew Weill in Barrache of Bourtie and Violet Forbes, his wife, who bound themselves to remove from Muirtoune at Whitsunday, under penalty of 500 merks.
- March 1. **Loosings of Arrestments.** Andrew Reid of Collestoune *v.* Alexr. Buchane of Auchmacoy. Alleged spuilzie of "certane lyme steanis" out of the "Quarrell hewin of [?] Perthudden." Cautioner Henry Buchane, burgess of Abd.
2. Alexr. Cheyne of [?] Denneburne *v.* John Stot in Inverurie. Cautioner Wm. Adame in Muirtoune of [?] Finchane.
- Lawborrows—Mutilation.** Robert Baxter, Armorar, burgess of Abd. *v.* Wm. Patersone, son of the late Robert Patersone, Litster in Abd. Caution £100. Cautioner Mr. Robert Irving of Moncoffer.
5. **Loosings of Arrestments.** John Lockie in Cragerne *v.* John Auld in Bouak. Cautioner Alexr. Chalmer at the Brig of Done.
7. George Wodman in Carnebana *v.* James Merschell, Messenger in Perkburne of Fywie. Claim for the alleged Spuilzie of "fourtie aucht stains woll troy wecht pryce of ilk stane tuelf punds." Cautioner Andrew Duncane, Burgess of Abd.

## Aberdeenshire Sheriff Court :

1610.  
March 7.

**Loosing of Arrestment.** The said George Wodman *v.* John Boige in Brigend of Gask. The same claim as in previous entry. Cautioner the said James Merschell.

10. **Revocation of Deeds granted in Minority.** George Banerman of Asleid stating himself to be under 21, besides a general revocation, specially revoked a Bond between him and Alexr. Seytoun in Ellone. The occupation of part of Clayhills in Ellon was involved. The rare word "blokingis" occurs in this entry.

**Lease.** Wm. Lorimer, Burgess of Abd. liferenter of Siefeld in the Barony of Slains and Thomas Forbes, Burgess of Abd. the Fiar thereof in favor of Agnes Vilguiss widow of James Gibsone in Siefeld. This act was practically a lease to the widow as "kyndlie tennent & occupiar" for five years, and in case of her death to her assignees not being "of hier degrie nor estait nor umquhill James Gibsone hir husband." Among the duties payable was one of "sax bollis meill rin mett" to the "Kingis Colledge of Auld Abd."

15. **Loosings of Arrestments.** Robert Hay, Burgess of Kirkcaldie, Thomas Andersone in Cauldwalls, Messrs. Thomas Nicolsone and John Leyth, Commissaries of Abd. *v.* Robert Lowrenstoun in Tillideisk. Cautioner Alexr. Lowrenstoun, Wricht, Burgess of Abd.

19. John Forbes, Younger of Poflug *v.* George Gareoche in Kinstair. Cautioner Robert, Commendator of Monymusk.

April 4. John Wilsone in Bogheid of Fywie *v.* David Hay at the Corss of Jakstoun. Cautioner Alexr. Mowtray, Burgess of Abd.

Mar. 25. **Renunciation of Lease.** Gabriell Stalker, Maltman, Burgess of Abd. in (Entered favor of Thomas Cheyne of Raniestoun. Part of the town and lands of out of Ferihill in the parish of Sanct Machar, of which Stalker's lease was still date). unexpired.

April 11. **Loosings of Arrestments.** Alexr. Cumming of Culter *v.* Robert Farquhar in Bindzell. Cautioner Patrick Farquhar, Burgess of Abd.

12. David Hay at the Corss of Jakstoun *v.* John Wilsone in Bogheid. Cautioner Walter Grant in Badequhishe.

20. **Assault—Blood-Drawing, etc.** The Crown *v.* John Muirison at the Mylne of Kyntor. Muirison was charged with the "crewell & onmercifull oppressing of Thomas Mackie Scuilmaister in Kyntor be cuming to the said Thomas housiss upone the tuelt day of Apryll last by past & thair strak and dang up his chalmer doir to haue takin his lyf and thaireftir be passing to the said Thomas scuill and oppressing his haill scollerds as also for the alledgit striking of his wyif callit Mariore Ross throche the hand with ane chissell to the gryt effusione of hir bluid." Cautioner Thomas Moir in Torrieburne.

24. **Loosing of Arrestment.** Patrick Gordoune of Fola and Wm. Cassie in Chepel-toun *v.* James Innes now in Annachie. Cautioners George Cruikshank in Auchterellone and Mr. Alexander Innes "Maister of Skoull" at Ellone.



## Judicial Enactments: Vol. II., Contents

1610.  
April 28.     **Theft and Reset of Theft.** The Crown *v.* Patrick Corser and Isobell Rattrie his wife. There was a general charge of theft and reset and "specialle for the receipt of the thifteous fangis of George Duthie." Cautioners Gilbert Gordoune and David Cargill, Burgesses of Abd.
- May 18.     **Renunciation of Tenancy.** Mr. Robt. Paip, Advocate in Abd. for himself and his son Mr. Wm. Paip in favor of John Lyouné of Middiltoune of Knokinblewis. Some right to the occupation of six oxengait of Middiltoune had apparently come to Mr. Robert Paip and his son by the death of one William Paip. This right was here renounced and discharged.
- Loosings of Arrestments.** Dame Agnes Sincler, Countess of Erroll and Alexr. Gordoune of Strathdowne, her husband *v.* Walter Bodie in Ardiffrie. Cautioner Mr. George Bodie, burgess of Abd.
19.     Wm. Cassie in Chepeltoune *v.* David Robertsons at the Mylne of Chepeltoune. Cautioner Wm. Gray at the Mylne of Schewes.
- Isobell Gordoune and George Gordoune of Beldornie, her husband *v.* Robert Nisbet in Boighoill. Cautioner John Kinneir, burgess of Abd.
21.     The Marquis of Huntlie, etc., *v.* John Chalmer of Drumbulge. The hand of the Marquis in arresting was "Sir Thomas Kar of Hethertho knicht factour & uptaker of the said nobill lord [s] leiwing." Cautioner Alexander Chalmer of Cowburtie.
- Mr. Robert Udnye of Tillicorthie *v.* Wm. Materis, Wm. Woid and Thomas Thomsons in Cowsteanes. Each of the arrestees was cautioner for the other.
- Dame Agnes Sincler, Countess of Erroll *v.* James Hay in Tenthenis. Cautioner Wm. Hay in Gask.
- Dame Agnes Sincler, etc. *v.* Alexr. Lowrenstoune in Uner Aucherie. Cautioner Gilbert Smyth in Burnaluiff.
23.     Nicolas Wardlaw, Ladie Bonytoun *v.* John Blak at the Mylne of Wausbirnes. Cautioner David Leask of Ower Leask.
24.     Dame Agnes Sincler, etc. *v.* Alexr. Jamesone in Uner Aucherie. Cautioner John Moir in Craigheid.
- Wm. Meldrum of Badinscoth *v.* James Robertsons in Bankheid of Badinscoth. Cautioner Patrick Gordoune in Monletie.
25.     Patrick Cruikshank in Ardiffrie *v.* Andrew Mylne at the Mylne of Ardiffrie. Special arrestment of sums of money in the hands of Andrew Garcoche in Ashallo and James Annand at the Kirk of Crowden. Cautioner John Mylne, Cowper, burgess of Abd.
- Wm. Cassie in Chapeltowne *v.* Thomas Mairchand in Chapeltowne of Schewes. "The tymer that was in the Chapeltowne" was specially arrested. Cautioner Wm. Gray at the Mylne of Schewes.
- May 26.     Dame Agnes Sincler, etc. *v.* Barbara Lyndrum. Cautioner Alexr. Annand at the Mylne of Annachie.



## Aberdeenshire Sheriff Court :

1610.  
May 26.

**Renunciation.** Janet Ramsay, wife of John Leslie, younger of New Leslie, renounced in favor of Andrew Leslie of New Leslie, her father-in-law, all rights, which she might have under her Marriage Contract, to the lands of Edderlick in the Parish of Premnay and Regalitie of Lundorris.

28. **Loosing of Arrestment.** Walter Cheyne of Arnage *v.* Alexr. Forbes, cotter in Arnage. Cautioner Alexr. Reith in Tillidesk.

**Renunciation and Discharge.** Katherine Irvine, wife of Mr. Robert Gordon of Fechill with consent of her husband and of Abraham Forbes of Blaktoune and George Gordoun of Coclarauchie in favor of James Ogilvie of Blarok. Ogilvie was a cautioner for the fulfilment of the husband's obligations under the lady's Marriage Contract, dated at Wester Beltie and Blarok on 21 and 30 November, 1608. By this Act of Court, Ogilvie was released. The lairds of Blaktoune and Coclarauchie were presumably bound, along with Ogilvie, so that their consent to his discharge would be necessary. The entry is signed by all the four granters.

**Loosings of Arrestments.** Nicoll Ross, Fiar of Auchlossin *v.* Alexr. Chalmer of Balnacraig. Cautioner John Gardyne in Bellamor whom Robert Chalmer in Boigloche, son of Alexr. Chalmer, bound himself to relieve.

29. Thomas Meldrum of Iden *v.* Robert Patersone in Home and Alexr. Makie at the Kirk of Kineduard. Cautioner George Forbes, servitor to the "Guidman of Auchintowll," to whom John Calder or Caddell in the Home granted an obligation of relief.

**Discharge and Assignment of Action of Spuilzie.** Charles Troter, servitor to Alexr. Gordoune of Clunie in favor of James Smyth in Grein Ailhous. The claim was for a "blak hors quhyt tippit" taken from the Forrest of Brass in August 1609. Of his action of Spuilzie Troter discharged Smyth and assigned it to him so that he might sue John Naughtie in Balbly, [Balblair] Archibald Mackie there and Andrew Strathquhin in Dilbrek.

**Loosings of Arrestments.** Mr. Wm. Burnet, Minister at Kinnernie *v.* Mr. John Ross, Minister at Cluny. The arrestment was laid on the Vicarage and small teinds of Drumnahoy and Bleirneill [Braeneill]. Cautioner Thomas Robertsone in Drum.

John Glass in Newbiggin of Ruthven *v.* James Gordoune in Tarow. The effects of the late John Gordoune of Blarok which James Gordoune was said to have introrried with. Cautioner George Gordoune in Blarok.

31. **Renunciation and Ratification.** Christiane Lorremec, wife of John Hay, burgess of Abd., in favor of Wm. Forbes of Tolquhone. John Hay had been the holder of Bonds (the dates of which are given) on which the names of Alexr. Fraser Apparent of Phillorthe, Wm. Hay of Urie, Andrew Fraser of Stainiewod, Thomas Fraser of Streichin, Alexr. Annand of Ochterellone, James Ogilvie of Birnes, Alexr. Fraser of Duris, George Craufuird of Annachie, Wm. Birnie, burgess of Fraserburgh, and John Greig, Tymber man there appeared as obligants. These bonds he had assigned to Tolquhone. His wife's consent was taken in the manner set forth in this entry.

## Judicial Enactments: Vol. II., Contents

1610.

June 1. **Renunciation and Ratification.** Helen Mackwillame, wife of Arthur Hendersone, renounced in favor of James Gordoune of Knokaspok, all her rights of conjunct fee or otherwise in the lands of Clat.

2. **Loosing of Arrestment.** George Kar, younger of Benvells *v.* Andrew Fynn timer in Kirkhill of Benvells, Wm. Massie there and Andrew Mitschell there. "Bigings of tymber werk thairin duris & windowis." Cautioner George Keyth of Glakreauche.

**Removing.** Robert Thomsone in Lytill Gowill for himself and his son Walter in favor of John Gordoune of Tilligreig. John Gordoune of Tilligreig is in this entry styled heritable proprietor of Lytill Gowill in the Parish of Sanct Maucher, from 8 oxengait of which, and the Walk Mylne thereof, Thomsone consented to remove.

**Loosing of Arrestment.** Nicolas Wardlaw, Ladye Bonytonne *v.* John Blak at the Myl of Birnes. Cautioner David Leisk in the Manes of Leisk.

1. **Renunciation and Discharge.** Dame Margaret Ogilvie, Countess of Merschell in favor of Gilbert Keyth of Troup. This was the Countess' judicial consent to and ratification of a Discharge of a wadset of 8000 merks held by her husband Earl George, over the lands of Troup. The Earl and Countess were both in Court and were stated to appear for themselves and James Keyth their eldest son, but they did not sign the entry. The contract of wadset was dated at Cuschnie 24 December 1600.

4. **Loosings of Arrestments.** Alexr. Copland of Udoche *v.* Alexr. Keyth, apparent of Pettindrum. Cautioner Robert Keyth of Auldmad.

6. Wm. Forbes of Logie Fintray and Lucas [Lucretia] Hervie his wife *v.* John Burnet in Elrick. Cautioner Alexr. Moir, Wobster, burgess of Abd.

9. **Renunciations and Discharges.** Margaret Balfour, wife of John Gordoun sometime of Brekey and daughter of Sir James Balfour of Peitcullo, knight, in favor of John Lyounne of Middiltounne and Alexr. Lyounne his son, Fiar thereof. This was the lady's consent to and ratification of a conveyance by her husband to John Lyounne and his son in liferent and fee of the lands of Brekay, Maynis of Brekay . . . and pendicles called Raebadds and Quhytwall and of the lands of Glaschaw and pendicle called Reidfurde, Mill of Glaschaw, Lands and Forest of Drumcowten all lying in the Barony of Knokinblewis.

Sarah Leslie, wife of James Gordoune, sometime of Brekay in favor of Wm. Blakhall, apparent of that Ilk. A contract had been entered into between James Gordoune and John his brother and Wm. Blakhall affecting the Lands of Quhytcors in Logiedurno, which James Gordoune's wife here ratified. Alexr. Blakhall, father of William, appeared as procurator for his son and there is a suggestion in the entry that Mr. Robert Paip, Advocate, was a son-in-law of Alexr. Blakhall. *Vide Supra* p. 18.

12. **Loosing of Arrestment.** Thomas Cowie, younger, burgess of Abd. *v.* Patrick Menzeis, burgess of Abd. Cautioner Alexr. Gray, burgess of Abd.

## Aberdeenshire Sheriff Court :

1610.  
June 22.     **Loosing of Arrestment.** John Johnestoun in Mylnebrek *v.* George Clerk in Aden. Cautioner Wm. Keyth in Perkhous.
- [?] 10.     **Removing and Mutual Discharge.** Alex. Cuming of Cultar and John Gordoune of Crabistoun. A long entry occurring here seems to be the last act of a dispute regarding the lands of Lastis, *alias* Lachtis, in the Barony of Cultar, which had been settled by a Decree of the Court of Session in an Action of Declarator of Redemption at the instance of the late Alexr. Cuming of Cultar against John Gordoune. The Act of Court contains a consent by Gordoune to relinquish possession, a Ratification by him of the Court of Session Decree and an obligation that Margaret Cultis, his wife, should appear before a judge ordinary and give her consent and ratification. On the other hand Cuming, as representing Alexr. Burnat of Leyis, who had had right to the ward, relief and non-entries of the Barony during the minority, and also for himself, discharged Gordoune of all payments that could be asked of him for his occupation of the lands. The original donator to the ward, &c., was Alexr. Earl of Drumfermling, Lord Fyvie, &c., Chancellor of Scotland, who assigned his right to the Laird of Leyis.
29.     **Loosing of Arrestment.** David Andersone in Litill Gowill *v.* Henry Ray in Balbithane. Cautioner Alexander Gordoune in Cowsteaines.
- July 4.     **Removing and Lease.** Thomas Leslie in Chrystis Kirk in favor of Andrew Leslie of New Leslie and Andrew Leslie to Thomas Leslie. (1) Thomas Leslie bound himself to remove from "the Brewing of Chrystis Kirk and preueledge thair of" and to cause Margaret Wat, wife of Alexander Jarden, to "seas from brewing and selling of aill and beir." (2) Andrew Leslie let to Thomas Leslie the fourth part of the town and lands of Chrystis Kirk in Kennethment upon various conditions as to rent, buildings and keeping good neighbourhood, which are of a very interesting kind.
11.     **Renunciation and Discharge.** Marjorie Straquhan, wife of John Leslie, son of Patrick Leslie of Kyncragie, and daughter of Wm. Straquhan of Tippetie in favor of the said Wm. Straquhan. In terms of her Marriage Contract dated in 1610 to which, in addition to those already named, George Leslie, the eldest son of Patrick Leslie, was a party, the lady discharged a wadset in her favor over the half town and lands of Tippetie and half of the croft called John Ross' croft.
- Loosing of Arrestment.** Alexr. Irving of Drum *v.* John Herwie and others in Waster Fintray. Peats in the Moss of Saphak. The arrestees were cautioners each for the other.
17.     **Theft and Reset.** The Procurator Fiscal *v.* Patrick Corsar, burgess of Abd. and Isobel Rattrie, his wife. There was specially charged the "recept of the thifteous fangis of George Duchir." Cautioner David Cargill, burgess of Abd.
- Loosing of Arrestment.** James Grant of Inverernane *v.* Inghrame Chalmer in Ower Invernochtie, John Moir younger in Balnabodoche, Allaster Keandiche and Patrick Keandiche younger in Tolloquhill and Allaster Andersone in Fynnylost. Peats in the Moss of Correbrak and Carnequheicht. Cautioner George Elphinstoun, Saidler, burgess of Abd.

## Judicial Enactments: Vol. II., Contents

1610.

July 21.

**Abduction with Intent to Murder.** The Procurator Fiscal *v.* Wm. Andersone in Fowlartoun of Thainstoun. The charge was of "cuming to the houss of Patrick Forbes in Kintoir & thair under silence and cloud of nicht and talking the said Patrick furthe of his bed and haveing him to the muntaines to haue murdris him." Cautioner David Meluill, servitor to the Laird of Tollquhone.

28. **Loosings of Arrestments.** Paull Menzeis of Kynmundy *v.* John Leith of Edingarioche and Annas Keyth, widow of Robert Menzeis and wife of Adam Gordoune, and their tenants. Another recrudescence of the dispute about the ownership of the Hill of Drumnagar, or, as it is here alternatively called, Middill Hill of Boighoill. Cautioner George Layng, burgess of Abd.

31. James Ogilvie of Blarok *v.* James Ogilvie of Birness. The corn sown by Birness and his tenants upon the bounds of Auchleuchreis Eister and Waster, according to a minute description, was the subject of this arrestment. Cautioner Alexander Gordone, Notary Public.

Robert Forbes of Echt *v.* Robert Forbes of Tillioche. Peats in the Mosses of Finnersie. Cautioner Johnne Gordoune of Crabistoun.

**Warding.** John Gordoune of Craig and Mr. John Fullartowne, Sheriff Clerk of Kincardine *v.* Walter Fraser, brother german to Sir Alexr. Fraser of Fraserburgh, knight. According to this entry Mr. Michael Fraser of Techmurie received, out of the Sheriff's ward and keeping, Walter Fraser, binding himself to re-deliver him to the Sheriff depute, within the house of Mr. Wm. Anderson, the Sheriff Clerk, between 9 and 10 o'clock next morning, under penalty of £10,000, which was to be paid, if incurred, in the proportion of 10,000 merks to Gordon of Craig and 5000 merks to John Gordon, the Sheriff depute. An entry on the margin signed by the Sheriff depute discloses the fact that Fraser was duly presented and Mr. Michael Fraser discharged.

- Augt. 1. **Loosing of Arrestment.** Wm. Gordoune of Abirzeldie *v.* Alexr. Irving in Auchmoir and others. Peats upon Auchmoir. Cautioner Mr. Duncan Forbes of Balnagask, whom Alexr. Skeine of that ilk bound himself to relieve.

**Warding.** John Gordoune of Craig and Mr. John Foullertowne *v.* Walter Fraser. Walter Fraser being entered on ward with the Sheriff depute, was again bailed out by his friends until 5 October. The same caution was fixed as before, viz., £10,000. In addition to Mr. Michael Fraser of Techmurie, there were now included as cautioners Alexr. Annand of Ochterellon, Andrew Fraser of Tyrie and John Fraser of Memsie. The place of ward was to be the dwelling-house of Thomas Cowie, elder, "closs and yeards thair of quhillk houss lyis upone the wast syde of the Gallowgait of Abd. sumtyme pertaining to Wm. Wedderburne, Burgess." Liberty was given to Fraser should it be necessary for his health "to repos himself within Abd. and ane myll about the said burgh." The house of the Sheriff Clerk, at which he was to be delivered up on Oct. 5, was also on the West side of the Gallowgate. A marginal note testifies that ward was kept and the cautioners discharged; but no other entry has been found.

## Aberdeenshire Sheriff Court :

1610.

- Aug. 2.     **Loosing of Arrestment.** Jeane Skeine, Ladie Buchquhyne [Balquhain] and John Leslie, her husband, *v.* Wm. Keathe of Petindrum, Marjorie Barclay, his mother, and others. Peats cast within what were alleged to be the bounds of Fenzeis, of which Mrs. Leslie was liferentrix. Cautioner Wm. Petindreiche, elder, in Petindrum.
3.     **Obligation by Liferentrix for Upkeep of Estate.** John Gordoune of Crabistounne and Thomas Gordoune of Grandoun became cautioners for Beatrix Gordonne, widow of John Forbes of Echt in the following circumstances. Robert Forbes of Echt had obtained an order of the Court of Session to cause the lady as liferentrix of the lands and barony of Echt, to maintain the buildings, &c., and "on noways to waist cast doun cutt or distroye the planting or pollece" [policies] of the lands, "nor yit intromit with the treis, tymber, grouthe or planting of the saids woids & forrestis." The barony comprised lands in the three counties of Aberdeen, Banff and Kincardine.
4.     **Loosings of Arrestments.** Gilbert Leisk in Raneishill *v.* Patrick Cortanes in Petmukstounne. A sum of 9 merks in the hands of John Glennie in Raneishill was specially arrested. Cautioner Patrick Bisset, burress of Abd.
8.     Duncan Bonar *v.* John Gillespie in Polfluig. Bonar was assignee to an arrestment used by Katherine Inghrame and Andrew Bonar, her husband. Cautioner Henry Forbes, burress of Abd.
15.    George Andersone, Skipper, burress of Abd. *v.* David Robertsonc, Mariner in Futtie. Cautioner Gilbert Davidsone, Tailzeour, burress of Abd.
18.    John Leyth of Edingerrak and others *v.* the tenants of Paull Menzeis of Kynmundie. The Peats on Drumnagair again. Cautioner James Menzeis, burress of Abd.
- Assault—Blood-drawing.** Mr. Wm. Barclay, Procurator Fiscal *v.* Wm. Andersone in Fowlertounne of Thanstounne. The unmerciful hurting wounding and blood-drawing of Robert Vatsone at the Milne of Thenstounne. Cautioner David Meluill, servitor to the Laird of Tollquhone.
- Loosings of Arrestments.** Wm. Cowper in Kintor *v.* Andrew Cowttis at the New Milne of Sachin. Cautioner James Cowttis in the Mylne of Holl.
- Wm. Cowper in Kintor *v.* Alexr. Glanie in Badintuch. Cautioner James Cowttis at the Mylne of Holl.
25.    Thomas Syme in Esselmont *v.* John Chene of Claymyris. Peats "in the heid of the wardis of the South syd of the Mains of Esselmont." Cautioner Andrew Procutor in Fechell.
27.    **Warding.** The Procurator Fiscal and Jeane Stewart and George Gardyn in Blairtoun, her husband *v.* Andrew Davidsone in Blairtoun and Margaret Edmond, his wife. Mr. and Mrs. Davidsone were in ward in the Tolbooth, having been fined £100, payable to the Fiscal, and £100 to Jeane Stewart and her husband. They were released upon Mr. Robert Gardyn of Blairtoun becoming cautioner for their appearance on 5 Octr., "betuixt sone ryising & going to thairof" or in case of failure for payment by him of their fines.



## Judicial Enactments: Vol. II., Contents

1610.  
Augt. 27. **Assault—Blood Drawing.** The Procurator Fiscal and Wm. Blak and Robert Forbes, his master *v.* Alexr. Duncane in Petmurchie. The cautionary obligation of Thomas Burnett of Ennettis for the appearance of the accused was in writing and was presented by Mr. Robert Davidsone, Advocate, his procurator.

**Theft by Housebreaking.** Robert Forbes of Eister Tolmaidis *v.* Alexr. Straquhan in Brockhollis. Straquhan was charged with "braking up of barne dorris & steiling of v stein of cheissis fyw irine sommes [or sceemes] with ane dowsone of oxin bowis & tua staigis." Cautioner Patrick Etterschank in Larnie.

11. **Renunciation and Discharge.** Mr. George Herwie in Waster Disblair in favor of Wm. Chalmer, Portioner of Waster Disblair. This was a written document dated at Old Abd., 27 May, 1610, and now registered whereby Herwie renounced the shadow half of Waster Disblair. The witnesses were Charles Chalmer, sometime of Tillikeirie, Arthur Chalmer of Collehill, Alexr. Lillie in Old Abd., Robert Chalmer and James Chalmer, brother to Wm. Chalmer, George Reidheid, servitor to Lillie, and Wm. Chalmer, Student.

Sept. 3. **Loosing of Arrestment.** James Silver in Tullichen *v.* Barnat Stewart of Marywall, John Chopman there and Ross of Tillisnacht. The defenders were apparently debtors of the late Robert Burnat of Drumneochie. Cautioner John Forbes of Tillikirie.

4. **Sheepstealing.** Mr. Wm. Barclay, Procurator Fiscal *v.* Robert Gardyne. "Steiling and merking of ane gimmer and sum lambes with uther sundrie poyntis of thift." Cautioner George Elphinstoun, burgess of Abd., and Sadaler.

5. **Loosings of Arrestments.** James Keyth of Kynnadie *v.* Alexr. Mill in Scottismill and Thomas Glenney there. Corn and grass sown and "hainit" on the commony of Kynnadie. Cautioner Andrew Keyth of Carntradlein.

6. Thomas Meingzies of Cultis *v.* Thomas Fraser in Cowntiswallis and Andrew Sangster in Pettfoddells. Cautioner Gilbert Chalmer of Cowntiswallis.

**Judicial Ratification.** Alexr. Forbes, sometime of Thanstoun, and Wm. Forbes in Tertowie, his son, in favor of Patrick Grant of Banandalache. This was apparently the final act in a bit of old family history. [*Supra* 5 May, 1603, p. 37.] On 7 Octr., 1609, a Discharge had been granted by the Forbes's to Patrick Grant as son and heir of the late Patrick Grant for 800 merks, which was the tocher promised by the latter with the late Janet Grant, his daughter, when she wedded with Alexr. Forbes in 1565. This discharge was now ratified in Court by the granters.

17. **Loosings of Arrestments.** Andrew Leslie of New Leslie, John Leslie, apparent thereof, and Janet Ramsay, wife of John Leslie *v.* John Andersone in Auld Leslie. Claim for rents of the "Tempill landis of Chrystis kirk" and for "demolesing of the biging of the samen." Cautioner Wm. Leslie in the Milne of Buchanestoun.

19. Alexr. Irving of Drum *v.* Alexr. Cuming of Coulter. Corn growing upon the "debaitabill lands lyand betuixt the lands of Craigtowne, Hollmylne and Tullioche." Cautioner Gilbert Chalmer of Countiswalls.

## Aberdeenshire Sheriff Court :

1610.

Sept. 20.     **Mutilation.** Mr. Wm. Barclay, Procurator Fiscal *v.* Wm. and Andrew Cruickshank in Glenmallyg and Wm. Durnoch in Buss of Logie Auldtoune. The alleged mutilation of Wm. Mowat in Logie Auldtoune. Cautioner George Dempster of Hassiwallis.

21.     **Loosings of Arrestments.** John Leslie of Flinderis *v.* James Merstoune and George Farquhar in Auchquharsk. Corn sown upon that part of Auchquharsk "callit the Mother myr and St. Maluce." Cautioners Alexr. and Walter Farquhar in Auchquharsk.

28.     Mr. John Leith, Commissary of Abd. *v.* John Leith of Leiklieheid. Corn sown upon Auchlevin. Cautioner John Skyne, burgess of Abd.

**Lawborrows.** Oliver Wobster in Auchnacant *v.* Alexr. Reith in Tillidesk. Cautioner Wm. Craigheid, burgess of Abd. Penalty 300 merks.

**Loosings of Arrestments.** John Arskine of Bahagartie *v.* Alexr. Straquhan, Fiar of Glenkindie. Corn sown upon the part of Auchnagat "callit the laich moss." Cautioner Mr. Duncan Forbes of Banagask.

       Mr. Wm. Ray, Chamberlain to the Earl of Murray *v.* Thomas Rob and James Simmer in Fintray. Cautioner Wm. Simmer in Haltoune of Fintray.

**Theft.** The Crown *v.* James Andersone in Taitlie. Cautioner George Leslie of Creichie.

Octr. 10.     **Loosings of Arrestments.** John Gordoun of Drimmes *v.* Patrick Kanauch in Auld Rein and John Kanauch in [?] Bonitowne. Cautioner John Leyth, apparent of Harthill.

       Gilbert Chalmer of Cowntiswallis *v.* Alexr. Fraser in Brotherfield. Cautioner James Forbes, burgess of Abd.

       John Gordoun of Drimmes *v.* Isobel Thomsone, widow of Wm. Kanauch in Ardune. Cautioner John Leythe, apparent of Harthill.

13.     John Leslie of Petcaple, John Androw in Bandache and Janet Ray his wife *v.* John Davidstone in Waster Fintrey. Cautioner John Merser, Saidler, burgess of Abd.

       Wm. Kennedy in the Kirktonne of Keonockis *v.* Gilbert Kay. Cautioner David Lesk in Lesk.

       Mr. Wm Barclay, Procurator Fiscal and Isobel Forbes, Lady Balbegno *v.* Andrew Fergusone, sometime in Nedder Kinmondie. Cautioner Gilbert Fergusone in Nedder Kinmondie.

## Judicial Enactments: Vol. II., Contents

1610.  
Octr. 13.     **Loosings of Arrestments.**   Wm. Bisset of Auchrenie *v.* Alexr. Michell in Achiries. Past due rent. Cautioner Robert Perk in Roynachie.
19.     Patrick Forbes in Mekill Finersie and James Patrie, servitor to Aberzeldie *v.* James Forbes in Tillanihilt. Cautioner Henry Forbes of Newhillis.
- William, Lord Keith *v.* James Davidsoae in Dummill. Cautioner Andrew Laurence in Toux.
20.     John Stewin in Collhill *v.* Alexr. Crukschank in Ellene. Cautioner Andrew Ross in Fechell.
22.     **Assaults—Blood-drawing.**   The Crown *v.* Walter Rogar in Rothmuriall. Cautioner John Leslie of Duncanstoune.
- The Procurator Fiscal *v.* Wm. Paxtoun in New Leslie. Elspet Eadie was alleged to have been assaulted. Cautioner Walter Roger in Rothmuriall.
24.     **Loosings of Arrestments.**   Robert Forbes of Echt *v.* Beatrix Gordoun, Ladie of Echt. Cautioner Adam Gordoune in Milnehill.
- Robert Forbes of Echt *v.* Donald Gordoune in the Meanis of Echt. Cautioner Adam Duff in Auchdownie.
- Andrew Reid, of Collistoun *v.* Robert Vatsone in Blairfoull. Rents of Litill Drumquhandill. Cautioner Peter Metland.
29.     James Andersone in Tillichetty *v.* Wm. Tuch in Archballa. Cautioner Wm. Gariach in Archballa.
- Novr. 9.     Alexr. Gordoune in Waster [?] Nadye *v.* Adam Strauchquhane, brother and executor of the late Wm. Strauchquhane of Glenkindey. Cautioner Alexander Strauchquhane of Glenkindey, son of William and nephew of Adam Strauchquhane.
10.     **Child Murder or Abortion.**   The Crown *v.* James Andersone and Barbara Kemp in Litill Drumquhendell. "The alledgit slaughter of ane bairne onborne." Cautioner Wm. Kemp in Litill Arnage.
- Loosings of Arrestments.**   John Leslie of Balquhane *v.* John Farchar in Fetterneir. Cautioner John Robertsons in Faibbertie [or Saibbertie].
- John Andersone in Litill Varthill *v.* James and Arthur Cruickschank. Cautioner Wm. Abircrummy in Kemmellis.
14.     Alexr. Birnie in Fraserisburgh *v.* James Chene in Petsligo and George Milne at Milne of Forrest. Claim for the wrongous comprising of his goods out of the lands of Thomas Birnie in Kinglasser. The cautioner for Chene was John Gordone of Craig, while Chene bound himself as cautioner for Milne.



## Aberdeenshire Sheriff Court :

1610.  
Novr. 14.     **Judicial Ratification.** Margaret Ohbyne [or Olybyne] wife of Andrew Reid of Collistoun. This was the ratification of an alienation of the sunny eight oxengait of Little Drumquhendill granted by Reid and his eldest son Gilbert to Thomas Bodie in Peterhead and Margaret Robertstone, his wife.
17.     **Loosing of Arrestment.** Beatrix Gordoun, Lady of Eacht *v.* John Stewin in the Mains of Eacht and others. £100 was claimed for malt and meal sold by the lady's Chamberlain to the arrestees. Cautioner David Eadie, burgess of Abd.
19.     **Judicial Ratification.** Magdalen Arskein, wife of John Leslie of Milntoun of Meikill Durnocht. The lady here ratified an alienation by her husband to Patrick Gordoun and Barbara Murray, his wife, of the Milntoun of Meikill Durnocht, &c.
20.     **Renunciation and Discharge.** Margaret Forbes, wife of James Forbes of Milnboy. Her conjunct fee or other right to the lands of Boquhome in Invernochtie in favour of John Forbes of Balquhome and Patrick Forbes, his son.
22.     **Loosings of Arrestments.** John Touche, elder, burgess of Abd. *v.* John Touche, younger, burgess of Abd. Cautioner James Mowat, burgess of Abd.
- Robert Dasone in Linquhanan *v.* George Duncansone in Linquhanan. Cautioner Robert Burnet, burgess of Abd.
- Wm. Birnie in Fraserburgh *v.* James Clark of Houssahill. Cautioner Mr. Alexr. Irving [Advocate].
30.     Peter, Bishop of Abd. *v.* Alexr. Meldrum, Wm. Elphinstoun, Wm. Chopemane and Robert Leithe, all in Auldcrage. Cautioner John Leslie of Petcapill.
- Assaults.** The Crown *v.* John Login in Waster Fintray. Patrick Sangster in Calff-fauld was alleged to be injured. Cautioner Charles Chalmer in Fintray.
- Dec. 7.     The Crown *v.* John Davidsone in Waster Fintray. The same assault and cautioner.
13.     **Loosings of Arrestments.** Wm. Gordoune of Deninmad *v.* James Pettindreich in Hogstoun of Strathbogie. The multures of Milne of Knokleith were specially arrested.
21.     Alexr. Birnie, Merchant in Fraserburgh *v.* Alexr. Crowdane in Kinglasser and others. The spoliation of certain horses and corn, for remedy of which an action was depending in the Sheriff Court. Cautioner George Milne at the Milne of Forrest.
1611.  
Jan. 16.     **Removing.** John Cristall in Deanstoun in favor of Thomas Gordoun of Grandoun. From four oxengait of the Lands of Deanstoun in the parish of Saint Machar.
19.     **Loosing of Arrestment.** Elspet Gray, widow of Alexr. Cullen, sometime Provost of Abd. *v.* Mr. Alexr. Cullen, burgess of Abd. What was here arrested was the number of 38 bolls beir or thereby due to Mr. Cullen by Gilbert Maky, indweller in Abd.

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1611.

- Jany. 3.     **Discharge and Renunciation.** James Forbes, eldest son of Abraham Forbes of Blaktoun, with consent of his father and also of Robert, Commendator of Monymusk, and Mr. Wm. Anderson, burgess of Abd. [the Sheriff Clerk] in favor of Mr. Wm. Forbes of Mainy. The transaction here disclosed may be thus summarized. In 1592 the late John Forbes of Tollies had disposed in wadset to James Duncan of Mairdrum, and Janet Lumsden his wife, in security of 1200 merks, the Lands of Corbanchrie and in warrandice of these, the lands of Morleich. To the letter of Reversion granted by Duncan and his wife on 21 March, 1591-2, Mr. Wm. Forbes of Mainy had come to have right, as Assignee of Alexr. Forbes of Tollies, grandson and heir of John Forbes, the granter of the wadset right. The holder of the security, originally granted to Duncan and his wife, was now apparently young Forbes of Blaktoun, whose father joined with him in acknowledging the payment.
22.     **Perjury.** Adam Wat in Nether Auchquhartie charged with perjury in an action pursued by John Williamsone at the Milne of Thentowne. Cautioner John Litilljohnne in Drumnornay.
26.     **Loosings of Arrestments.** Obligation produced whereby James Merk in Bucharne became cautioner for Robert Browne in Buckgartie, John Brown in Tullathrowie and Janet Browne in Duncanstown, whose effects had been arrested by James Browne in Drumferge and Margaret Wat, wife of Walter Walker in Noth.
28.     Wm. Bruncha in Clunie *v.* James Crichtoune in the Newtoun of Drumblat. Cautioner Alexr. Burnet sometime in Chappeltowne.
30.     Gilbert Mealling in Fetterneir *v.* Richard Mealling there. Cautioner John Farquhar in Fetterneir.
31.     Thomas George at the Milne of Fiddes bound himself to enter Arthur Johnstoun in Auchindarge within the Tolbooth on Feb. 5, failing which to pay to John Gordoun of Tilligreige [the Sheriff depute] 500 merks on Feb. 6.
- Feby. 1.     John Browne in Auchterles *v.* Alexr. Cruikshank, burgess of Abd. Cautioner James Gib, burgess of Abd.
2.     John Ogstoune in Bannomune *v.* Andrew, Alexander and Edward Craik in Auchiries. Obligation by Alexr. Craik in Newtowne of Auchiries as cautioner, dated 29 January, produced.
8.     Herie Gordoune in Taertie *v.* John Glenie in Taertie. Cautioner Mr. John Chene of Petfichie.
9.     Alexander Forbes of Thainstoune *v.* Wm. Andersone in Fullertoun. Cautioner Wm. Forbes of Tolquhone, who signed "Tolquhone."
12.     Andrew Leslie of New Leslie *v.* Duncan Robertsons at the Kirk of Insche, John Hog there and Walter Michie at the Mill of Insche. Cautioner John Cruickshank, burgess of Abd.



## Aberdeenshire Sheriff Court :

1611.

Feby. 14. **Loosings of Arrestments.** John Steinsone in Crukstoune *v.* Alexr. Donaldsone in Crukstoune. Cautioner William Watson in Leuch lands. The sum claimed here was 40 merks and 6 firlots victual as the price of an ox.

Thomas Gordoun in Fechell and Thomas Reith in Craigie of Schethin *v.* John Reid in Tullimad. Cautioner Thomas Chene of Rainistowne. The claim here was 800 merks.

15. John Johnstoune, burgess of Edinburgh *v.* Andrew Richie, Skipper in Fraserburgh and Wm. Baxter there. Cautioner Wm. Fraser in Fraserburgh. Claim for the "fraucht of certane tymber."

Agnes Herwie, lawful daughter of Mr. George Herwie in Waster Disblair *v.* John Ilerwie in the Peithill of Petmuk. Cautioner Patrick Steiwen in Kinmuck.

19. Francis, Earl of Erroll and David Syme, his Chamberlain *v.* Mr. Alexander Bruce, Minister of the Kirk of Slains. Cautioner George Bruce, Sadler, burgess of Abd.

20. Alexr. Annand of Auchterellen *v.* Thomas Sime in Essilmont. Cautioner Gilbert Chalmer of Countesswalls.

27. **Imprisonment for Debt.** Robert Elshioner, burgess of Abd., by this Act of Court acknowledged to have received out of ward in the Tolbooth, the person of his brother-in-law, John Kinneir, who had failed to pay a debt of £408 to Mr. Alexr. Gibsone, Clerk of Session, as Assignee of Adam Gibsone, burgess of Edinburgh. The act further contained an obligation by Elshioner to re-enter Kinneir to ward before April 15, or in case of failure to pay £408 to John Gordoune of Tilligraig, the Sheriff depute, before May 10, on a charge of six days. On the margin is written "Cassatur hoc presens actum ex consensu partium quia plenarie persolutum et satisfactum. John Gordone Sref." The next Act of Court is an obligation by Adam Gordoune of Boigholl and Mr. James Keith of Auchrynie to relieve Elshioner of the foregoing obligation undertaken for Kinneir.

**Loosings of Arrestments.** Gardyne, wife of Wm. Stewart of Cowstonis *v.* Alexr. Gordoune, Wm. Materis, Wm. Wood and Thomas Thomsone, occupiers of Cowstownis. Cautioner Wm. Udney, Fiar of that Ilk, by written obligation dated at Tillicorthy Feb. 16.

March 5. John Gordoun of Newtoun and Wm. Udny, fiar of that Ilk *v.* Elspet Cruikschank in Wranghame, widow of Robert Peirrie. Past due rents. Cautioner Alexr. Pantoune, burgess of Abd., whom James Gordoun, fiar of Newtoun, bound himself to relieve.

7. George Craufurd of Annachie *v.* Robert Boyne in Culsh of Fedderat. Cautioner Alexr. Gordoune in Cowstonis.

12. Henry Tailzeour in Waster Fintray *v.* John Foullartoun in Waster Fintray, Robert Foullartoun there and Christiane Smythe there. Cautioner Robert Keathe of Strathry.

13. John Findlater in Pettullies *v.* Thomas Andersone and Alexr. Goudie in Pettullies. Cautioner Alexr. Gordoun in Kindrocht.

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1611.

March 16. **Loosing of Arrestment.** Cristane Smyth in Vaster Fintray *v.* Henry Tailzeour in Vaster Fintray. Cautioner Thomas Bauerlay in Logiefintray.

18. **Theft.** Andrew Henderson, Craftsman of Abd., was cautioner for the entry of James Birney, Wobster, charged with stealing an ox, and other crimes.

23. **Loosings of Arrestments.** John Davidstone and Elspet Blak, his wife, in Macktarrie *v.* James Stewin in Blachrie. Cautioner Wm. Singzeour, burges of Abd.

25. **Mr. Wm. Ray, burges of Abd. v. John Foullartoune, Robert Foullartoune and Christane Smyth in Waster Fintray.** Cautioner Robert Keith of Strathrey.

April 1. John Leslie of Balquhyne *v.* Hectour Davidstone in the New Mylne of Knokalachie. Cautioner James Sengzeour in Balquhyne.

(1) James, Earl of Murray; (2) James Tailzeor in Hedderweck, John Porter, elder in Fintray, James Scherar in Dyce, Wm. Melving in Kinaldie and Robert Tailzeor in Fintray; and (3) John Cumming, younger in Fintray *v.* Robert Aikin in Fintray. Cautioner James Keythe of Kinaldie.

6. **Renunciation.** Walter Smythe in the Miltoune of Findone renounced the possession of the half Mill, etc., in favor of Andrew Menzeis in Carnerobein as at Whitsunday next and sold the crop and stocking to Menzeis at prices to be fixed by Thomas Gardiner in Badintoy and Alexander Donaldstone in Barkleyhill, arbiters chosen by Smyth and Robert Gairdyne in Cuikstoune and Alexr. Mylne at Mylne of Marieculter as friends of Menzeis. Both parties submitted themselves to the jurisdiction of the Sherifdom of Abd. By a marking on the margin dated 13 April the parties agreed to the deleting of the foregoing entry.

8. **Loosings of Arrestments.** Alexr. Ray in Kintoir *v.* John Crilbes in Bromhillis in Kintoir. Cautioner James Donaldstone, burges of Abd. Claim for the spuizie of "ane broune hors ane cow ane steir with ane coyak."

13. John Watstone in Auldgowill *v.* James Andersone in Peiteis milne charged with "melling and intronetting withe ane sword and fourtein elnes of tuedlit bedding ane new bonnat ane belt ane purss & ane dager." Cautioner George Settone of Auchinhuff.

Alexr. Strauchin of Glenkindie *v.* Walter Toux in Auchnagat. Cautioner Andrew Broun, burges of Abd.

15. William Yett in Fiddes *v.* Alexr. Craford in Rethin and Hew Craford of Quythill. Cautioner Arthur Davidstone, burges of Abd. Money had been arrested in the hands of John Arskein of Balhagertie.

30. Hectour Abircrombie in Wasthall *v.* George Duncane in Wasthall. Claim for rent. Cautioner Wm. Leithe, burges of Abd.

May 1. Wm. Setowne of Blairis *v.* James Vatsone in Blakhous of Kingudie. Cautioner Charles Chalmer, indweller in Abd.

## Aberdeenshire Sheriff Court :

1611.

May 4. **Loosings of Arrestments.** Wm. Forbes of Bairnis *v.* Alexr. Gordoune in Auchinhuif. Cautioner Andrew Wod at the Mylne of Ardo.

8. George, Marquis of Huntlie *v.* George Innes in . Cautioner Gilbert Cullen, burgess of Abd.

Andrew Fraser of Steaniwod *v.* John Smythe in Cairnbrogie. Cautioner Wm. Hendersone in Auld Abd.

Wm. Hay of Crimonmoggat *v.* Robert Mair in Litill Arnage. Cautioner Wm. Mair in Kinharrachie.

9. John Forbes of Petsligo and Patrick Smyth in Ouirglassill *v.* Alexr. Crystisone in Ouirglassill. Cautioners George Car [signing Ker], burgess of Abd. and Alexr. Keythe of Protstoune, the latter becoming bound to relieve the former.

14. John Forbes of Petsligo *v.* Wm. Forbes in Braklamoir. Cautioner Duncan Forbes of Bythe.

15. John Stot *v.* Patrick Menzeis, burgess of Abd. Cautioner David Robertsons, burgess of Abd.

16. Robert Smyth in Petmellen *v.* Thomas Comper in Taertie. Cautioner John Leisk tenant of four oxengait of Ballskanie.

**Renunciation and Ratification.** James Keith of Kennady renounced the Shadow half of the lands of Auchquhorsk in Kinnellar, in favor of Alexr. Fraser in Bogheids, and Margaret Fraser, Keith's wife, appeared and ratified his deed.

18. **Loosings of Arrestments.** Adam Fraser of Findrach *v.* John Cadell in Findrach. Cautioner Gilbert Leslie, "Schoillmaister" and burgess of Abd.

22. Robert Mowir in Dariaucht *v.* Alexr. Bower in Jakstoune. Cautioner James Mowat by Wm. Chalmer his procurator.

24. **Reset of Theft.** John Gordoune of Tulligreig, Sheriff Depute of Abd. *v.* Thomas Dempster, Flescher in Abd. Cautioner Wm. Russell, Wobster, burgess of Abd. Dempster was charged with resetting sheep stolen from Auldmad.

June 4. **Loosings of Arrestments.** Nicolas Wardlaw, widow of Wood of Birneis-Bonnitoune. Cautioners John Leslie and James Andersone, Litster, both burgesses of Abd.

Robert Mutray of Clubisgowill *v.* James Cassie in Quhytstrypis. Cautioner Mr. Wm. Moir, burgess of Abd. Peats, &c., cast in the mosses of Areheidis.

7. John Leslie of Petcapill and Wm. Seatoune of Blair *v.* Wm. Forbes, fiar of Bairnes. Cautioner Alex. Jaffray, Bailie, burgess of Abd.

8. James Cassie [?] of Quhytstryppis *v.* Robert Mutray of Clubisgowill. Cautioner Thomas Mutray "fyre" of Lochchills.

## Judicial Enactments: Vol. II., Contents

1611.

June 10. **Loosing of Arrestment.** Alexr. Middiltoun "thesaurer and collectour of the pennilties of the parochie Kirk of Sanct Macher of Auld Abd." *v.* Wm. Sander-sone at the Brig of Done "for satisfactioun to the said Alexander of ane penultie imposit upone the said Wm. for committing of ane fornicatioun." Cautioner Andrew Broun, burges of Abd.

17. **Assault—Blood-drawing.** Wm. Duncane in Auldraig to appear on June 26 to answer to a charge of assaulting Wm. Suane, sometime in Auldraig. Cautioner John Leslie of Petcappill.

**Removing.** Elizabeth Rolland, widow of John Gordoune, sometime in Enzean, consented to remove from Enzean in Monymusk, in favor of Wm. Forbes of Monymusk.

19. **Removing.** Patrick Straquhan in favor of Mr. James Irving, Minister at the Kirk of Touch, heritable proprietor of the lands. Straquhan consented to remove from Ardgowes and Wodsyd in Barony of Cluny.

20. **Loosings of Arrestments.** John Layng in Sklaittie *v.* John Tailzeour in Crabistowne. Cautioner John Lumsdane, Baxter, burges of Abd.

John Irvine, elder of Petmurchie and John Irvine, fiar thereof *v.* Patrick Irving in Carnbady. Peats, &c., in the mosses called the Perkhill of Lumphanan were arrested. Cautioner Patrick Ross, fiar of Auchlossin, who signed "Aperand of Auchlossin."

28. Wm. Forbes, fiar of Bairnes *v.* George Leslie at the New Milne of Cremond. Peats, &c., arrested. Cautioner John Leslie of Petcappill.

Wm. Forbes of Bairnes *v.* other tenants in Cremond, for whom Leslie of Petcappill was also Cautioner. The Moss of Cremond is specified in this Act.

29. **Breach of Arrestment.** George Currou of Dyce and the Procurator Fiscal *v.* James Ronnaldsone in Rethis and George Crichtoun of Tullikeirie. Cautioner Mr. Wm. Chalmer of Waster Disblair.

July 4. **Loosings of Arrestments.** Alexander Irving of Drum *v.* Andrew Curray, John Hervie, Walter Fowlar, Wm. Chalmer, John Fowlartowne, Robert Tailzeour and Robert Fowlartowne all in Waster Fintray. Cautioner Charles Chalmer in Waster Fintray. Peats cast by the parties in the Moss of Sauock in Fintray and "contigue adjacent" to the lands of Kimmuck.

6. Nicoll Ross, apparent of Auchlossin *v.* Robert Foderinghame in the Craigtowne of Lumphanan, who was said to be in arrear with his rent. Cautioner Robert Irving, Cowper and burges of Abd.

11. George Ewand in Clorttiebuck *v.* John Davidsone in Auld Abd. Cautioner Henry Robertsons, Cordiner and burges of Abd.

16. Gordoune of Tulloche *v.* Wm. Gordoune in Kennertie. Peats cast in the Moss of Tulloch in the Parish of Keg. Cautioner Thomas Watson, burges of Abd.



## Aberdeenshire Sheriff Court :

1611.

July 17. **Loosings of Arrestments.** Henry Annand of Orchertowne *v.* Patrick Ligertwood in the Bowrhill of Esselmont. Peats cast in "Moss Morgone." Cautioner John Bruce at Milne of Esselmont.

George Baird in Corskye *v.* Wm. Cuik in Urinay [or Urmay]. Peats in the Moss of Urinay [or Urmay] alias Coburtie were arrested. Cautioner Thomas Symsons, burress of Fraserburgh.

George Ewine in Corthibuck *v.* John Hendersone in Denstoune, Alexr. Huichone in Carnefeld and Hectour Mallice in Grandhame, who were charged with resetting "certane playdis and hardin." Cautioner Robert Stewart, burress of Abd.

24. Alexr. Gordoune of Blelack *v.* John Forbes of New. Peats in the Moss of Badachlerache. Cautioner Thomas Esplein in Newbiging.

27. Alexr. Fraser of                      and Bogheids *v.* Alexr. Ramsay, John Ross, William Findlay and James Findlay in Ardl. Peats between Ardl and Bogheids. Cautioner Andrew Fraser of Tyrie.

Alexr. Annand, fiar of Auchterellone *v.* Alexr. Buchane in Dopmylne of Arnage, Gilbert Watson in Kirkhill and John Watson there. Peats in the Mosses of the Hiltoune. Cautioners Robert Paip, Advocate, David Aidie and Patrick Gray, burgesses of Abd.

Augt. 3. Elizabeth Duvye, liferenter of the lands of Beildsyde and Mr. John Mortimer, her husband *v.* Thomas Mengzes of Cultis. Cautioner James Mengzes, burress of Abd.

8. William, Lord Keithe and his "Customers, Bailzes and uther placemen of the Burgh of Peitterheid" *v.* Mr. Robert Gordoun of Fechill and Dame Isobel Forbes, "laydie Petlurg." What was arrested was "thair wictuall presentlie within ane bot of James Smythe of Peitterheid within the port of the samen." Cautioner James Schorit in Inverurie.

9. Normond Forbes of Brakay *v.* Alexr. Clark in Badachell. Cautioner Hector Smythe, burress of Abd.

Alexr. Middiltoune of Berryhillock *v.* Hew Hebrone in Berryhillock. Peats in Moss of Mid Mundurnoch. Cautioner Robert Watson in Mowrcor.

10. Robert Skeyne in Ramoir *v.* Andrew Fowler in Lylug. Cautioner George Fowler in Drumnaheth.

Elspit Diwie, liferenter of the Peilsyde<sup>1</sup> and Mr. John Mortimer, her husband *v.* Wm. Fergus in Newtoun of Murthill and Andrew Craig in Lochtiesyde. Peats beside the Skat Carne. Cautioner Robert Forfar in Benzell.

**Judicial Discharge.** Charles Currie in Middill Disblair discharged Wm. Fowllar in Cranboig of an obligation for 50 merks, while Fowllar and Katherine Symsons, his wife, discharged Currie of such claims as they might have to the goods of the late Christiane Symsons, who had been married to Currie.

<sup>1</sup> In the entry of 3 August called "Beildsyde."



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1611.

Augt. 17. **Removing.** This was a consent to remove from the sunny half lands of Newrane, in the parish of Rane, of which Alexr. Pantoune, burgess of Abd. was heritable proprietor. Those who had been warned and now consented to remove were James Gordoune, fiar of Newtoun, John Leithe, apparent of Hiarthill and a number of others. Leithe and another reserved rights, which they alleged, to the sunny half of a croft called Barrelldykis, founding upon a wadset granted by one Alexr. Senzour to Leithe.

**Loosings of Arrestments.** John Innes of Elrick *v.* George Bruce in Mekill Elrick. Cautioners Wm. Sangster in the Fortrie and James Miln at the Mylne of Cauldwallis. Peats in the Reid Moss of Elrick.

John Forbes in Tolliquhodie and Thomas Adame in Ardifork *v.* Alexr. Mairtaine in Sonhoney and James Adame in Mylneholl. Cautioner Alexr. Andersone in Bethlein.

Thomas Sime in Essilmouthe *v.* Margaret Broune, widow of Mr. Alexr. Bruce in the Kirktonne of Slaines. Cautioner Wm. Bruce at the Mylne of Fortrie.

Francis, Earl of Erroll *v.* Andrew Trowpe in Auchmacoy. Cautioner John Wobster in Dorbshill.

22. **Removing.** A consent by Patrick Leith in the Kirktonne of Rain to remove in obedience to a warning by Alexr. Pantoune. [*Vide Supra*, 17 August.]

30. **Loosing of Arrestment.** Alexr. Copland of Idoche *v.* Wm. Gordoune of Buchanauchie. Cautioner Patrick Con of Auchry. Copland had arrested Gordoune's crop.

**Renunciation and Ratification.** Elizabeth Keith and her husband, James Allendes in Middilmure renounced in favor of Alexr. Hay of Delgatie all rights which they possessed over the lands of Mekill Artrochie, Middilmure and Tersethill. This they did in terms of a Contract entered into on that day between themselves on the one part and Hay of Delgatie and Isobell Leslie his wife as principals, and Sir James Balfour of Pettullo, knight, Alexr. Joffray, Baillie in Abd. and Thomas Hay in Graystane as cautioners on the other part.

31. **Loosings of Arrestments.** Patrick Leithe of Licklicheid *v.* Wm. Lindsay in Bredfuird of Auchlevin. Cautioner Wm. Forbes, Younger, burgess of Abd. The rent of the half of Mains of Licklicheid was claimed.

Margaret Innes and Joseph Keythe her husband *v.* Richard Robertsons in Auchires. Cautioner Alexr. Mowat in Litill Creichie.

Sept. 2. James Keith of Kinnady and Alexr. Findlay "Milnart" in Kinnady *v.* John Andersone in Easter Fintray and Wm. Melwing in Vaster Fintray. Cautioner for Andersone, Archibald Beanes, Litster, burgess of Abd., and for Melwing the said John Andersone.

James, Earl of Murray *v.* James Keith of Kinnady. Cautioner Patrick Gordoune in Auchrynie.

## Aberdeenshire Sheriff Court :

1611.  
Sept. 4.     **Loosings of Arrestments.** Charles Robertstone, burges of Abd. *v.* Thomas Davidstone, Notary Public. Cautioner Wallintine Davidstone, indweller in Auld Abd.
- The said Thomas Davidstone *v.* the said Charles Robertstone. Cautioner Charles Chalmer sometime of Tillikiro.
6.     George Currou of Dyce *v.* Mr. Thomas Melving, Minister of Dyce. Cautioner David Kempt, Baxter, burges of Abd. The peats cast by the Minister upon the Kirktoone of Dyce were arrested.
- Patrick Barclay of Towie and Michall Clark at Mill of Drumquhendill *v.* Thomas Sewane in                   Cautioner Mr. John Cheyne of Arnage. Multures claimed.
- Duncan Forbes of Byithe *v.* Andrew Quhairnye in Quhyit Steane. Cautioner James Irwing in Collairlie. The corn upon the part of Quhyit Steane called the Quhyit Slack.
- James Gayrdyne of Blakfuird *v.* Robert and James Thomsone in Beakkyehill. Cautioner George Cruischank, burges of Abd.
9.     Wm. Gordoune of Balquhannachie *v.* Alexr. Cowpland of Idoche. [*Supra*, 30 August.] Cautioner Wm. Udnye of that Ilk. The corn growing upon the Hauches of Balquhannachie.
11.    Wm. Jaffrey at the Hill of Fuddes *v.* Wm. Auld in Auld Abd. Cautioner Thomas Cumyng, citiner in Auld Abd. Wrongous intromission with two horses claimed to belong to Jaffrey.
- Gilbert Burnet of Carneurquhey *v.* John Burnet at the Mylne of Leget. Cautioners Andrew Burnet in Toux and Wm. Thomsone in Petfour.
14.    Andrew Keythe of Cairnetradlen *v.* George and David Bissatt in Cairnetradlen. Cautioner John Chalmer, burges of Abd.
17.    Wm. Keir in Seytoun *v.* Wm. Lyntoun in Westfeild. Cautioner Henry Mowtray in Westfeild.
19.    George Leslie of that Ilk *v.* John Reid in Brownie and Wm. Reid, his son. Cautioner Robert Burnat, burges of Abd.
20.    Henry, Lord of Sanct Come *v.* James Keithe of Kinadie. Cautioner Gilbert Keithe of Auchireis.
21.    Wm. Downie in Hiltoun *v.* James Smart, Meassone in Lumphanan. Cautioner Andrew Gray, Meassone, burges of Abd.
23.    James, Earl of Murray *v.* John Foullartoun in Wester Fintray, Robert Foullartoun there and Christiane Smyth, his wife. Cautioner Robert Keythe of Leyluge.
25.    John Davidstone at the Kirk of Fyvie *v.* Andrew Cumyng in Ardfork. Cautioner Edward Reid, Skynner, burges of Abd.

## Judicial Enactments : Vol. II., Contents

1611.

- Sept. 28. **Loosings of Arrestments.** Robert Mowat of Quarrellhill *v.* Magnus Mowat at the Mylne of Colpie. Cautioner James Mowat in Smidiseat.

Alexr. Cumyng of Culter *v.* Alexr. George, Messenger at the Mylne of Collairlie, Thomas Robert in the Wood of Drum, James Mowat in Dowaltie and Alexr. Smyth in Beildsyid. Cautioner Mr. Wm. Davidsone, son of the late Mr. Wm. Davidsone, Advocate in Abd.

- Octr. 4. Wm. Forbes of Logie *v.* Thomas Morisone in Auld Gowell. Cautioner James Cassie in Quhystripis.

11. Wm. Watsone of Haddoche *v.* Wm. Smyth in Milnehill. Cautioner Andrew Nisbit at the Kirk of [? Crymond].

19. Margaret Banerman, widow of George Gordoune of Haddoche, *v.* Wm. Gib, sometime in Hilbray then in Bethelnye. Cautioner Thomas Cumyng, citiner in Auld Abd.

21. John Johnestoune of Caskieben *v.* Patrick Gray in Kirktoune of Dyce. Cautioner Wm. Gordoune in Glen of Dyce.

22. **Judicial Obligation—The Pot Fishings of Dee.** John Huitchone, Laxfisher, acknowledged himself to be due to David Andersone a barrell of “grilses salmond fische.” He also bound himself to pay to Andersone another barrell of “auld salmon fische” as rent for the occupation for the fishing of 1612, of “ane hannat of the Pot on the Water of Dee within the friedome of Abd.” of which Andersone was liferenter. Both barrells were to be delivered before Lammas, 1612, and failing delivery £40 as the liquidate price of each barrell was to be paid at “Latter Marie day thaireftir.”

31. **Loosings of Arrestments.** Alexander Forbes in Easter Echt *v.* Andrew Blakhall in Culquhorsye and Gilbert Low in Blakhillis. Cautioner John Kairnay, burgess of Abd.

John Meldrum in Blakfuird *v.* John Watsone in Blakfuird, his father-in-law. Cautioner David Hay in Bogheid of Fyvy. A more formal Act than usual, notarially subscribed and witnessed by two notaries and four witnesses, Mr. Wm. Andersone, the Sheriff Clerk, being one of the former.

- Novr. 1. Katherine Scherar and Robert Lumisdane, her husband *v.* John Stot in Boigheid, John Watsone in Blakfuird and John Murdo in Burrelldaills. Cautioner Adam Gordoune of Boghoall. The rents of Bogheids of Fyvie were claimed.

2. Andrew Symson in Quhythill of Frendraucht *v.* Walter Toux at the Mylne of Auchnagat. Cautioner Andrew Browne, burgess of Abd.

9. John Watsone in Auld Govill *v.* Thomas Muresone in Middill Disblair. Cautioner Wm. Lucas in Torryeleyth.

Alexr. Gordoune of Tilliskeythe *v.* Allaster Forbes in Culquhorrie. Cautioner Thomas Espleine in Newbigging. “Peattis cassin in the Bonzeche.”

## Aberdeenshire Sheriff Court :

1611.

NOV. 11. **Loosings of Arrestments.** James Andersone in Tillichetlie *v.* George Forbes in Tertowie. Cautioner George Forbes in Auchronye.

13. Peter, Bishop of Abd. *v.* John Johnestoune in Mostoune. Cautioner Alexr. Setoune, apparent of Petmedden.

Thomas Sym in Maynes of Esslemonth *v.* Thomas Catto in Bourhills of Esslemonth. Cautioner James Cheyne of Pennan.

18. Alexr. Gallavay in Standandsteanes *v.* David Gallavay there. Loosed of consent without caution.

21. **Renunciation and Ratification.** Isobell Forbes, wife of James Donaldsone, burgess of Abd., with consent of her husband renounced in favor of James Ogilbe at the Mylne of Inverbynnie and Margaret Ogilbe, his wife, all her rights of conjunct fee and liferent in the "sone pleuche of the toune and lands of Auchereis" in the barony of "Addan" and teind sheaves thereof.

30. **Removing. The Rigs and Tails.** Alexr. Blak, Maltman, burgess of Abd., who was tenant under John Gibsone of certain of the "Riggis and Teillis" of land beyond the loch of Old Abd., fully described in the entry, renounced his possession in favor of Gibsone and his wife, Margaret Irving.

Decr. 2. **Loosing of Arrestment.** Robert Abercromby at the Mylne of Petmedden *v.* George Leslie of Creichie. Cautioner Arthur Chalmer, burgess of Abd. The arrestment was not the usual direct attachment of his effects in his own lands, but was of rents due to Leslie by certain specified tenants of his lands of Mekill Warthill.

5. **Removing.** Robert Aikin in Fintray appeared and for the fulfilling of "ane southe faithfull promeis" made by him on 20 January 1611, renounced in favor of Mr. Wm. Ray, the wadsetter of the lands, and of Wm. Melvell, his tenant, his possession of eight oxengait of Wester Fintray described as having been sometime occupied by John Gordoun, "sone to the guidmane of Carneborrow."

7. **Loosings of Arrestments.** George Kyng in Grandoune *v.* Alexr. Pantoune in Behernye [? Beheruye]. Cautioner Wm. Spens in Mekill Tippetie.

10. James Gordoune of Lesmoir *v.* Barbara Barkar, widow of John Blakhall in Culforsie, and others. Cautioner Wm. Merse, burgess of Abd.

11. Elspet and Jeane Gordoune, daughters of the late Wm. Gordoune in Craighall *v.* Elizabeth Gordoune, widow of Wm. Gordoune in Craighall. Cautioner Arthur Forbes in Cowrthillis. The rents of Craighall were claimed from the widow.

20. **Renunciation and Discharge.** By this Act of Court Katherine Gordoune, widow of Wm. Seytoun, Portioner of Sklaitie, with consent of Patrick Gardyne, her husband, discharged an obligation [*Supra* 25 Octr. 1606, p. 94] by Mr. Wm. Seytoun, her eldest son, as principal, and Berrald Innes in Old Abd. as cautioner to pay her £100 per annum. In lieu thereof she accepted an obligation by Patrick Leslye, burgess of Abd. "now duelling at the Brig of Done" to pay her 100 merks per annum.



## Judicial Enactments : Vol. II., Contents

1611.  
Decr. 28.     **Loosings of Arrestments.** James Reid in New Mylne of Brux *v.* Alexr. Forbes in Cairneday. Cautioner Thomas Watsoune, Portioner of Casteltoune of Durris.
1612.  
Jany. 8.     James Mylne at the Mylne of Cauldwalls *v.* Wm. Hutcheon in Cauldwalls. Cautioner Robert Irving, Cowpar, burgess of Abd.
17.     Thomas Bonner in Daskie *v.* John Michall in Towie. Cautioner George Elphingstoune, Saidler, burgess of Abd.
27.     James Burgess in Crabistoune *v.* David Sted in Newhills. Cautioner Andrew Forbes, Litster, burgess of Abd.
30.     Walter Innes of Auchmule *v.* Gilbert Burnet, sometime in Carnnorquhey. Cautioner Wm. Keithe in Anden.
- Febry. 4.     Patrick Barclay, younger, of Towie *v.* Alexr. Folla in Towie. Cautioner John Cheyne of Arnage.
11.     **Discharge and Ratification.** Alexander Gordoune of Kethakismyln and Isobell Hervie, his wife, in consideration of £1000 paid by Thomas Gordoune of Grandhame, declared that the lands of Carnfeild in the parish of St. Machar were redeemed from them.
17.     **Loosings of Arrestments.** George Gordoune of Terpersie, Wm. Smythe in Auchlyne, John Glenny there, James Smythe there, John Fergus there, James Fergus in Segiden, Patrick Thomesone there and Thomas Umphray there *v.* George Scherar in Lerge. Cautioner Andrew Sangster in Cultercullane.
21.     John Leslie of Buchuhyne and Andrew Leslie in the New Mylne of Knokcollic *v.* Hectour Davidsonsone in Buithishauche. Cautioner John Wricht in Pettodrie.
- Alexr. Cuming of Coulter *v.* David Lindsay "Tincter" in Abd. Cautioner Alexr. Smythe, Cordiner in Abd.
22.     Thomas Fraser in Falconnariscarne *v.* James Burnet, Maltman in Frascrburgh. Cautioner Robert Burnet, burgess of Abd.
24.     **Judicial Obligation.** Andrew Clark in Lethintie appeared and bound himself to pay to Mr. Duncan Forbes of Balnagask 8 bolls of meal at "Midlentrin" and 8 bolls of malt at "Ruidday" in respect of his occupation of 4 oxengait of Lethintie, crop 1611. Failing payment in kind the price was to be 8 merks per boll for the meal and 10 merks per boll for the malt. The payment was to be credited by Balnagask to a large quantity of victual due to him by James Forbes of Lethentie.
- March 4.     **Loosings of Arrestments.** John Caddell of Easter Megvie *v.* John Duncan, Alexr. Smythe, Wm. Ronnald, Wm. Mortymer and George Coultis all in Easter Megvie. The arrestees were cautioners for each other.
7.     Alexr. Cuming of Culter *v.* John Gall, younger, in Culter. Cautioner Wm. Murcour, burgess of Abd.

## Aberdeenshire Sheriff Court:

1612.

March 10. **Loosings of Arrestments.** Robert Arthour in Carnebrogie *v.* Patrick Leask and James Canzeoche both in Carnebrogie. Cautioner Alexr. Wischert, Tailor, burgess of Abd. The arrestment was laid on by John Johnestoune, officer to Andrew Fraser of Steaniewod.

11. Alshioner Quhyt in Ludquharne *v.* David Ergo in Creichie. Cautioner Wm. Annand in Skelmure. There was here a special arrestment of 100 merks in the hands of Andrew Wodman in Smallburne.

13. Thomas Andersone in Pettullie and Mr. John Ogiluie, parson of Crowden *v.* Alexr. Gaudie in Pettindrum. Cautioner James Fynnle in Pettullie.

18. John Leslie of Wardes *v.* George Leslie of Creichie and Alexr. Donald in Creichie. Cautioner Alexr. Blakhall of that ilk. John Leslie was claiming 200 merks from George Leslie.

19. Alex. Chalmer of Cowburtie *v.* Wm. Grig in Ower Buindie. Cautioner James Forbes, elder, burgess of Abd.

28. Henry Mathowsone in Lachintillie *v.* Patrick Gray in Tirriwaill. Cautioner Andrew Young, burgess of Abd.

Robert, Commendator of Monymusk *v.* Gilbert Broun in Campbell. Cautioners Peter Irving in Carnebadie and John Straquhin in Foullis Mowat.

April 13. **Judicial Obligation.** Alexr. Blakhall, Maltman, burgess of Abd., James Brabner, burgess there, Wm. Blakhall, burgess there, Wm. Murcur, burgess there, Alexr. Mylne at the Mylne of Ferihill, George Walker in Ferihill, Wm. and Alexr. Cooper there and Wm. Smythe there all tenants of the lands and Mylne of Ferihill, bound themselves to pay their rents to John Lichtoune and Wm. Duncane, burgesses, as heritable wadsetters from Thomas Cheyne of Ranestoun, the proprietor.

15. **Renunciation.** Katharein Fraser, wife of Thomas Cheyne of Ranestoun renounced all her rights in Ferihill and ratified the Contract of Wadset by her husband to the above named John Lichtoune, here designed Skipper burgess, and Wm. Duncane here designed Merchant burgess, dated 13 April.

18. **Loosings of Arrestments.** John Leslie, elder, burgess of Abd. *v.* James Ranie, Tailor, burgess of Abd. Cautioner John Liddell, Cowper, burgess of Abd.

22. Robert Aikin in Waster Fintray *v.* James Keythe of Kinadie. Cautioner Wm. Keythe of Auchrenie.

John Dilgardno at the Kirk of Reathin *v.* Alexr. Andersone in Auchireis. Cautioner James Andersone in Corthiebray.

25. John Leslie, fiar of Balquhene *v.* Alexr. Ronaldsone in Craigmylne. Cautioner Hectour Abircrombie of Wasthall.

May 2. Alexr. Gordone of Rothmeis *v.* John Leythe of Harthill and his tenants of Kirktoone of Rain and Luesk. Peats, etc., in the Moss of Rothmeis. Cautioner Wm. Forbes, burgess of Abd.

## Judicial Enactments : Vol. II., Contents

1612.

- May 6. **Guarantee.** Magnus Mowat of Boquhollie *v.* Alexr. Hat in Yewbray. Cautioner John Gardyne, Citiner in Auld Abd.

**Breach of Peace and Assault in a Church.** Gilbert and Henry Bartlet were charged with "the alledgit persute of Mackie with ane drawin suord upone ane Sonday within the Kirk of Kinkell and the alledgit wounding and hurting of George Mylne in Brumend within the said Kirk the day fairsaid." Cautioner Wm. Forbes of Tolquhone.

16. **Loosing of Arrestment.** Wm. Stewart in Mackterrie *v.* Alexr. Watsons in Steanehous of Gicht. Cautioner Robert Barclay, occupier of 8 oxengait of Meikil Siggat.
26. **Removing.** Andrew Edmond and Andrew and Wm. Turner occupiers of Horscruik in Belhelvie, agreed to remove in terms of warning by George Moresone, burgess of Abd., the proprietor.

**Judicial Ratification.** Janet Straquhin, wife of Alexr. Gardyne of Banchorie, ratified a contract of wadset by her husband to Gilbert Club, burgess of Abd., and Janet Chrystie, his wife, of the lands of Banchorie.

29. **Loosings of Arrestments.** Wm. Irving of Murthill *v.* Alexander Wat in the Gaitsyde of Murthill. Cautioner James Wat in Mariculter.
30. John Leslie of Kearthine *v.* George Mortimer in Logiedurno. Cautioner Walter Mitschell in Logiedurno.

George Leslie, Younger of Kincaigie *v.* John Barrie in Kincaigie and Thomas Lasone in Creauche. Cautioner Patrick Calder, portioner of Doirseill.

Alexr. Fraser in Brotherfeild *v.* Gilbert Chalmer, burgess of Abd. Cautioner Patrick Con, fiar of Auchry. Money in the hands of Robert Stewart of Counteswallis was specially arrested.

James Ogilvie of Birnes *v.* John Rob in Dudweik. Cautioner Henry Lasone in Artrochie.

- June 1. John Leslie of Kearthine *v.* Wm. Mortymer, elder, in Logiedurno. Cautioner Wm. Mortymer in Logiedurno.

Wm. Watsons in Beltamoir *v.* John Suctour in Balnaglak. Cautioner Mr. Wm. Reid, burgess of Abd.

John Fraser of Clintertie *v.* Andrew Chalmer in Clintertie. Cautioner Charles Chalmer, sometime of Tillikerrie then in Abd.

James Gareoche of Kinstair *v.* John Petrie in Lytill Endowie. Cautioner Patrick Calder, portioner of Doirseill.

## Aberdeenshire Sheriff Court :

1612.  
June 2.

**Discharge of a Wadset.** Robert Melving, son and apparent heir of Mr. Thomas Melving, Minister at Kindrume [Kildrummy] appeared and acknowledged that he had received from Thomas Espleine in Newbiging, in name and on behalf of Alexander, Lord Elphinstoune, 300 merks for the redemption of the "Kirktoune of Kildrymie with thrie peices of land within the bounds of Drumnahuif," which had been wadset by his Lordship to his deceased father. Not being infest, Robert Melving bound himself to make up his title to his father and to the land before 10 November next or, in case of his failure to do so, to repay the money.

**Revocation of Deeds Granted in Minority.** Patrick, Lord of Lindores, appeared and, on the narrative that, acting on evil advice, he had "interdytit" himself to William, Earl of Morton, and a number of other nobles and gentlemen, revoked the "Band of Interdictioun" and other deeds which he had granted to his hurt and prejudice.

**Judicial Ratification.** Marjorie Cheyne, wife of John Leslie of Petcapill, appeared and ratified a contract made between her husband with her consent, and Alexr. Leslie of Auchquhorsk and Mr. Wm. Chalmer of Waster Disblair as Cautioners on the one part, and Archibald Beanis, alias Nicolsoune, Litster, burgess of Abd., on the other part. The contract (probably of wadset) concerned the alienation of Nether-toune of Cremound extending to four ploughs, and in warrandice of these, the lands of Scheillboige, Bomakendell, Ordihair and Ouirhill in Monkeigie. The contract was signed at Petcapill in Sept. previously.

4. **Loosing of Arrestment.** Adam Fraser of Finauche *v.* James Smythe in Kinraigie. Cautioner George Leslie of Kinraigie.

**Renunciation of Tenancy.** Bessie Hatter, widow of Wm. Knox in Auchnagat, renounced in favour of Alexr. Straquhin of Glenkyndie her occupation of the shadow half of the Milnetoune of Auchnagat.

**Loosings of Arrestments.** John Leslie of Wardes *v.* Robert Reid in Waist-hauche. Cautioner George Elphinstoune, burgess of Abd.

6. Walter Ord of Ord *v.* Andrew Touche in Feddie and Thomas Norie there. Cautioner John Woid in Mylnebuye. Rent crop 1611 was claimed.

8. **Dismembration.** Thomas Davidsons in Middil Disblair and Andrew Davidsons in Waster Disblair were charged with the "crewell & unmercifull dismembring of Williame Leythe sumtyme in Suttitoune of his richt gardie" [arm] "and lege." Cautioner William Setoun of Eister Disblair.

10. **Loosing of Arrestment.** John Leslie of Wardes *v.* Wm. Clerk in Kemmells. Cautioner John Makisoune, burgess of Inverurie.

11. **Removing.** Patrick Andersone, sometime in Rothmeis then in Bonytoune, Thomas Andersone and Robert Meanie both sometime in Rothmeis and then in Newtown of Culsalmond, consented to remove from their occupations of "the tua pairt landis of Rothmeis" in Rane in favor of Alexr. Gordoune of Rothmeis, to whom the warnings of his tenants had been assigned by James Stewart, sometime heritable proprietor of the subjects.



## Judicial Enactments: Vol. II., Contents

1612.

June 11.

**Mutual Discharge.** Wm. Gordoun, burgess of Abd., and Alexr. Gordone of Suaillend appeared in Court to settle up some outstanding disputes. It appeared that George Gordone of Tulloche, who was the father of Alexr. Gordone of Suaillend, had intromitted with the estate and rents of the late John Gordone of Brundie or Bruinie, who was the father of Wm. Gordoun. For a settlement Alexr. paid 300 merks to William and both cried quits. Harie Gordone of Dilspro, Mr. Robert Paip, Advocate, and Mr. Wm. Andersone, Sheriff Clerk, who had been mixed up with the dispute as cautioners, were also discharged.

**Discharge and Ratification.** In consideration of 2000 merks paid to him, Alexr. Gordone of Suaillend appeared in Court to discharge in favor of John Gordone of Lentusche a wadset over the lands of Lentusche in the Parish of Rane. Thereafter and outwith her husband's presence, Helene Hoig, Alexr. Gordone's wife, renounced her rights, and ratified the discharge.

19. **Loosings of Arrestments.** Alexr. Buchane at the Doip Mylne of Arnage v. Wm. Hutcheone in Carnedaille. Cautioner Robert Irving, Cowper, burgess of Abd.

20. Wm. Irving of Murthill v. Alexr. Wat in Gaitsyde of Murthill. Cautioner Wm. Fergusson in Newtoun of Murthill.

24. **Child Murder or Abortion.** Alexr. Fraser in Fraserisburgh was under accusation for "the alledgit slauchter of tua bairnis in the womb of Isobell Watt, spous to Androw Jaksone, Caidger." Cautioner for his appearance, Andrew Sandersone, burgess of Frascrisburgh, who however protested that his becoming cautioner should not be prejudicial to the "Regalitie of the said Burgh."

25. **Dismembration.** Wm. Ray, younger, son of Wm. Ray in Toux was charged with the dismembration of Wm. Leythe. His father was cautioner for his appearance upon 31 July.

27. **Loosings of Arrestments.** John Dickie, Segster at the Kirk of Deir v. Marjorie Knox, widow of Patrick Tuiring at the Kirk of Deir. Cautioner Patrick Cruikshank in Ardifferie.

Janet Liddinghame, widow of Wm. Watsoun, sometime in Auchinhuif v. Wm. Forseythe, burgess of Abd. Cautioner Andrew Horne, burgess of Abd. Forseythe was alleged to have been due 200 merks to the deceased.

July 1. Wm. Gordoun, lawful son of the late George Gordoun, sometime of Chappeltoun, with consent of John Gordoun of Petlurge and James Gordoun, fiar of Newtoun, his curators v. Elizabeth Hay, widow of George Meldrum in Cuschnie. Cautioner John Meldrum in Bray of Fischerie.

George Meldrum of Haultoun v. the said Elizabeth Hay. Cautioner the said John Meldrum.

3. Alexr. Crowdane in Kinglasser v. Thomas and James Birnie in Kinglasser. Cautioner David Birnie, Wobster and Frieman in Abd.

## Aberdeenshire Sheriff Court :

1612.

- July 4. **Loosings of Arrestments.** John Knox of that Ilk *v.* Andrew Clerk, sometime in New Knox, then at the Kirk of Deir. Cautioner Wm. Keythe in Adane.

Archibald Keythe, heritable proprietor of a plough of the lands of Kellie *v.* Andrew Johnnstoune in Kellie. Cautioner Sir Wm. Keythe of Ludquharne. Claim for rent crop 1611.

7. David Duncane in *v.* Thomas Small in Kintore. Cautioner Wm. Forbes of Tolquhone.
9. Alexr. Keithe in Kintoir and Agnes Cokie, his wife *v.* John Knight in Hedderweik. Cautioner Arthur Chalmer, burgess of Abd.

**Renunciation of Tenancy.** Andrew Craik in the Auldtoune of Aucheireis renounced his occupation of the sunny plough of the shadow half of Aucheireis in Raithen in favor of Gilbert Keythe of Aucheireis.

11. **Loosing of Arrestment.** Alexr. Cuming of Culter and Gilbert Ronaldsone in Carnie *v.* Wm. Jerret in Cloighill. Cautioner Patrick Donaldsone, burgess of Abd.
15. **Assault—Blood-drawing.** Peter Woidman in Adane was charged with the “ wrangous crewell & unmercifull dinging striking & bluid drawing of Isobel Leask, widow of John Kaidger.” Cautioner Wm. Woidman in Netherauchill.
17. **Loosings of Arrestments.** Andrew Gray in Peterheid *v.* Nathaniel Kethe of Lytill Cocklaw and his tenants of Inverniettie and Lytill Cocklaw. Cautioner Robert Keythe of Turrituthill. Peats in the Moss of Quhythill.
18. James Leslie in [? of] Ryhill *v.* Wm. Smythe in Ryhill, Wm. Clark there, John Neische in Ardone, Henry Kennauchie there & Thomas Lyall in Haltoune of Ardone. Cautioner Wm. Leslie at the Mylne of Buchanstoune.
25. Patrick Bannerman of Bomakessie *v.* Andrew Ross in Fechill and John Steinsone there, who were cautioners for each other. Peats in the Moss of Pounotar.
28. Gilbert Johnnstoune of Peteismylne *v.* John Watsone in Halkhillok. Cautioner Thomas Moresone in Auld Govell.
29. Nicolas Wardlaw, Lady Bonitoun and George Gordoun of Gicht *v.* Gilbert Tailzeour in Middilmurie. Cautioner George Bruce, Saidler, burgess of Abd.

James Findlay in Newburgh, as assignee of Margaret Waus *v.* Wm. Stewin in Pottertoun. Arrestment loosed of consent.

- Aug. 1. George Middiltoune at the Mylne of Auchtercoull *v.* James Gordoune of Bogaertie. Cautioner James Gordoun of Pronie.
4. The Earl of Murray and Gilbert Baird of Auchmedden *v.* John Forbes of Petnacaddell. Cautioner James Forbes, Mariner, burgess of Abd. Dispute about the Commonty of Glencuthill and Auchmedden.

## Judicial Enactments: Vol. II., Contents

1612.

Aug. 7. **Loosing of Arrestment.** Helene Leythe, widow of Mr. George Leythe, son of John Leythe of Harthill *v.* Andrew Andersone, sometime in Thrie feild of Bonytoun [now Freefield] then in Meikill Durnocht. Cautioner Thomas Leslie in Meikill Durnocht.

**Manslaughter.** John Kowie in Strehin was accused of the slaughter of Andrew Logie, son of the late John Logie in Strehin. Cautioner David Meluing, servitor to Wm. Forbes of Tolquhone.

11. **Loosing of Arrestment.** Alex. Dewny in Marivall [Marywell] *v.* John Evin in Beltcraigis. Cautioner Patrick Gordoune of Birsmoir.

**Assault.** Alexr. Chopman in New Wattrecht was accused of the "dinging & striking" of Thomas Wastland, Begger in Echt." Alexr. Smyth at the Kirk of Echt was cautioner for his appearance to be tried on "Micheall Ewin."

14. **Loosings of Arrestments.** Adam Gordoun of Glenbuchet *v.* Sir Alexr. Fraser of Fraserisburgh, knight. Cautioner Robert Steuart of Invernorthe. "The cornis sawin be the said Sir Alexr. upone ane pairt callit the Gaschefauldis and Gaschemoss."

15. Alexr. Skeine of Colquhorsie *v.* Alexr. Collic in the Maines of Eacht. Cautioner Andrew Strachin in the Maines of Eacht. Claim for rent as specified in the entry.

Alexr. Gordoune of Rothmeis *v.* Patrick Andersone, sometime in Rothmeis, then in Bonytoun. Cautioner Andrew Andersone in Bonytoun. Claim for rent.

17. Alexr. Straquhin of Glenkyndie *v.* Thomas Simsone sometime in Auchnagat, then in Carnenadaillie. Cautioner Hectour Davidsonsone of Baithishauche. Claim for rent.

Peter, Bishop of Abd., the Provost, &c., of the Burgh of Abd., and George Gardyne in Blairtoun *v.* Mr. Robert Gardyne of Blairtoun and Isobell Stewart, his mother. Cautioner Mr. Alex. Gardyne, Bailie Depute of the "Bischoprick" of Abd. Peats cast upon a piece of land called the "Deanis Loches."

19. Hectour Davidsonsone of Beithishauche *v.* James Watt at the Mylne of Glaschaw. Cautioner John Leslie of Kearthine.

20. Robert Steuart of Countiswalls *v.* Robert Thomsone in Ord. Cautioner Alexr. Manie in Ouircantley. The claim was the rent of the "Mylne & Mylne croft of Brotherfeidill" [Brotherfield].

The Provost, Bailies, &c., of Kintoir *v.* Wm. Mackie and John Chalmer in Tofthills. Cautioner Leonard Leslie, burgess of Abd. A dispute about a part of Tofthills called the "Nether Dauche of Kintoir."

24. **Dismembration.** The Crown and Wm. Leithe in Straloches *v.* Andrew Simmer in Easter Disblair. Cautioner Robert Beverley in Monycabok. There was an arrestment here apparently upon the dependence of an action by Leith in the Court of Session.



## Aberdeenshire Sheriff Court :

1612.

Aug. 26. **Loosings of Arrestments.** John Hill in Kintoir *v.* Donald Andersone in Kintoir. Cautioner David Andersone, burgess of Kintoir.

27. Wm. Forbes of Logie *v.* Thomas Moresone in Auld Gowill. Cautioner Wm. Gordoune in Glen of Dyce. Dispute about ground on the west side of Auld Gowill and upon the east side of Logie [Fintray].

28. Wm. Leithe in Straloch *v.* Andrew Davidsons in Waster Disblair. Cautioner Thomas Davidsons in Middill Disblair.

29. Thomas Fraser of Strechin *v.* Thomas Forrest in Auchintum. Cautioners Wm. Craighaid, burgess of Abd. and Duncane Forrest in [?] Sacanruiff. Claim for the rent of land and the Walkmylne of Strechin.

John Forbes, fiar of Polflug *v.* Andrew Blakhall in Colquhorsie. Cautioner Wm. Murcour, burgess of Abd. Corns sown upon the lands of Knokquharne.

Sept. 2. Alexr. Fraser in Brotherfeild *v.* Robert Thomsone in Ord. Cautioner Alexr. Rait in Kearnetonne of Kennertie.

Alexr. Irving, fiar of Lenturk *v.* George Leslie, fiar of Kincaigie, and his tenants of Tillimair. Cautioner Patrick Leslie of Kincaigie. This dispute concerned "ane peice mure callit the Balintorie one the wast syid of the waird of Lenturk & come landis thair of & on the eist syid of the landis of Tillimair."

3. Gilbert Blakhall in Colquhorsie *v.* John Tailzeour in Litill Finersie, Cautioner Henry Forbes, burgess of Abd. The rent of "ane grass hous" was claimed.

4. **Dismembration.** Wm. Leithe in Straloch *v.* Thomas Crocat in Baddindauche. Cautioner James Johnestoune of Baddindauche.

7. **Loosings of Arrestments.** James Grant of Inverernane *v.* George Forbes in Skelliter and John McCadgyll there. Cautioner George Elphinstoune, saidler, burgess of Abd. Corn sown upon ground called Dalgreigie.

8. Wm. Forbes of Tolquhone and John Forbes of Petnacaddell *v.* Gilbert Baird of Auchmedden and John Cowie in Lemmes. Cautioner Thomas Cowie, younger, burgess of Abd. A boundary dispute.

12. Alexr. Strauchin of Glenkindie *v.* Bessie Haltar in the Maines of Sauock. Cautioner Thomas Merser, Notary Public in Abd.

Alexr. Cuming of Coulter *v.* Robert Brone in Schedokisley. Cautioner Thomas Forbes, burgess of Abd. A claim for damage to farm buildings on Lasts.

Wm. Sym in Middill Disblair *v.* John Gardyne in Eister Disblair. Cautioner George Gardyne in Colquhorsie.

Martin Howesone and Thomas Forbes, burgesses of Abd. *v.* Robert Forfar in Binzell. Cautioner Patrick Forbes, fiar of Lethintie. Corn sown near "the Kearne" of Binzell and about the "Standing Steanis."



## Judicial Enactments: Vol. II., Contents

1612.  
 Sept. 12. **Loosings of Arrestments.** Alexr. Abercrombie of Birkenbog *v.* Andrew Sy in New Rain. Cautioner Wm. Forbes, burges of Abd.
14. Peter Maitland, burges of Abd. *v.* David Aidie, burges of Abd. Cautioner John Mylne, Cowper, burges of Abd.
18. Alexr. Stewin in Broikhoillis *v.* Alexr. Straquhin in Windiehillis. Cautioner Robert Hoig of Gellane.
- Removing.** Wm. Paull, alias Burnet, in Skletie consented to remove from four oxengait of Skletie belonging to John Gordoune of Crabistoun.
19. **Loosings of Arrestments.** John Erskyne of Balhaggartie *v.* Alexr. Straquhin of Glenkyndie. Cautioner Mr. Duncan Forbes of Bannagask. A dispute about the Bakmoss of Auchnagat.
26. Martin Howisone and Thomas Forbes, burgesses of Abd. *v.* John Tailzeour in Robertstoune. Cautioner Richard Trowpe in the Maines of Coulter.
30. George and Gilbert Blakhall, lawful sons of Alexr. Blakhall of that Ilk, and their father as their tutor, *v.* Thomas Duncane in Auldtoun of Knokinblewis. Cautioner John Mackiesone, burges of Inverurie.
- Oct. 2. Patrick, Earl of Kingorne, Lord Lyone and Glamis *v.* Robert Joss in Leuchlandis. Cautioner Alexr. Annand of Ochterellone.
5. The Earl of Kingorne *v.* Walter Paull in Mondurno. Cautioner Alexr. Blak, Maltman, burges of Aberdeen.
7. Henry Gibsone, servitor to George, Marquis of Huntlie *v.* John Smythe in Quhythill. Cautioner John Gordoune of Auchanauchie. The rent of four oxengait of Quhythill was claimed.
12. **Assault—Blood-Drawing.** The Procurator Fiscal *v.* Thomas Smythe in Baddindauche, who was charged with having assaulted Arthur Galloway in Lauchintillie. Cautioner James Johnestoune of Baddindauche.
23. **Loosings of Arrestments.** James Forbes of Lethintie *v.* George Moir in Lethintie, George Blakhall there, Andrew Clerk there, Thomas Alschioner there, Alexr. Glennie at the Mylne of Lethintie, Wm. Johnestoune in Auchincleiche and John Forbes in Lethintie. Cautioner Patrick Forbes, Fiar of Lethintie.
29. Duncan Andersone at the Mylne of Echt *v.* Alexr. Donaldsone in Kynnernie. Cautioner Patrick Donaldsone, burges of Abd.
31. Alexr. Blair, Tailzeour, burges of Abd. *v.* Robert Forbes in Auchrenie. Cautioner James Jamesone in Meikill Clintertie.
- Nov. 2. John Richie, son of Bartholl Richie in Quhythill of Invernettie and Wm. Keillo in Boddume *v.* Marjorie Kellie, widow of Wm. Kay in Aidie. Cautioner James Ewin in Slains.

## Aberdeenshire Sheriff Court :

1612.

- Novr. 3.     **Loosings of Arrestments.** James Low in Kemnay *v.* Wm. Andersone in Fowlertoun. Cautioner Adam Watt in Auchquhortheis.

The Procurator Fiscal *v.* Robert Kintor, burgess of Abd. Cautioner George Elphinstoun, burgess of Abd.

5.     John Leslie of Balquhene *v.* John Davidstone, elder in Inneramsay. Cautioner John Davidstone there.

11.    John Gordoune of Lentusche *v.* George Blak in Nethertoun of Knokinglewis. Cautioner Alexr. Gordoune of Scheilgreine.

Alexr. Donaldsone in Knokincroy *v.* Robert Donaldsone in Invernettie. Cautioner George Elphinstoun, Saidler, burgess of Abd.

Alexr. Blair, Tailzeour, burgess of Abd. as assignee of John Gray in Tartowie *v.* Robert Forbes in Auchrenie. Cautioner Mr. Duncan Forbes of Balnagaisk.

13.    John Gordoune of Lentusche *v.* James Sengzeour in Balquhene. Cautioner Thomas Moir at the Mylne of Enramsay. A sum in the hands of Alexr. Melving in Balquhene was specially arrested.

Wm. Sectour in Dilquhuid *v.* Wm. Fraser, lawful son of Thomas Fraser of Durris. Cautioner Wm. Irving of Beltie.

**Murder.** The Procurator Fiscal *v.* Andrew Gray in Perkhill of Kemnay and Cristiane Gray his wife, who were charged with the murder of one Elspet Johnstoun. For their appearance before the Sheriff for trial on 1 Decr., and for the loosing of an arrestment, John Skene, burgess of Abd. was cautioner.

14.    **Loosings of Arrestments.** Mr. Wm. Ray *v.* Wm. Forbes in Tartowie. Cautioner Mr. Andrew Leslie, lawful son of the late John Leslie sometime of Boigis. A sum of £99 was arrested in the hands of John Bisset of Peltichie and widow of Thomas Glennie at Scottismylne.

Patrick Gordoune of Nethermure *v.* Robert Sinclair in Auchnagatt. Cautioner Alexr. Straquhin of Glenkyndie.

John Gray at the Mylne of Leask *v.* Patrick Snell at the Mylne of Collestoun. Cautioner Andrew Snell there.

**Blood-drawing and Mutilation.** The Procurator Fiscal & Wm. Andersone in Kinglasser [the injured party] *v.* Troyalus Knight in Kinglasser. For Knight's appearance on 27 November and for loosing of arrestment, James Dalgardnoch in Auchieres and Cuthberd Fraser in Kinboig were cautioners.

18.    **Loosing of Arrestment.** George Currou, sometime of Dyce *v.* Bartholl Leslie. Cautioner George Dalgardnoch in Ardmurdo. The Multures of the Mylne of Femieweill were claimed.

## Judicial Enactments: Vol. II., Contents

- 1612,  
Novr. 18.     **Renunciation.** Elspet Dumbreck wife of Henry Annand, sometime of Orchertoun, renounced whatever rights she had to "Orchertoune, Smydie croft and Dowcat of the samen" as principal lands, and to the lands of Ulaw as warrandice lands, to and in favor of Arthur Setoune, burgess of Abd. in liferent and George Setoune of Schethyne and his heirs male, etc., in fee.
19.     **Loosing of Arrestment.** Wm. Clerk in Langschawbray *v.* Wm. Cruikshank in Bilbo. Cautioner Robert Dempster of Cuschnie.
20.     **Lawborrows.** Robert Bauerlay in Monycabak and Gilbert Corthanes in Boddumes *v.* Alexr. Johnestoune in Mamenlauch. Cautioner Gilbert Johnestoune in Bonakettill.
21.     **Loosings of Arrestments.** Wm. Andersone in Kinglasser *v.* Alexr. Crowden in Kinglasser. Cautioner Alexr. Fraser, Portioner of Memsie.
- Decr. 5.     Sir Wm. Keyth of Ludquharne, Knight, *v.* Helen Adamsone in Percok. Cautioners Alexr. Mowat in Lytill Creichie of Deir and James Donaldsone in Percok.
11.     Margaret McIntoishe and Wm. Sutherland of Duffus, her husband *v.* Margaret Skeine, widow of Wm. Forbes of Pettalachie. Cautioner John Forbes of Campbell. The whole "maills fermes keanis customes dewiteis and dew fermes" of Pettelachie, Knoksoull, Kairnemuir, Boigstoun, Boig and Messonis Croft.
15.     Thomas Wilken in the Lyne *v.* Wm. Farquhar in Petmuckstoune. Cautioner Mr. James Keithe there. Farquhar's coat containing two ells of "grayis" had been arrested in the hands of Wm. Cowpar, Tailzeour in Ferriehill.
- Robert Stewart of Countesswallis *v.* Thomas Fraser there. Cautioner Alexr. Smythe, Cordoner, burgess of Abd. This Act was discharged by a marking on the margin dated 30 July, 1614.
16.     Patrick Walker, Merchand in Tarves *v.* Robert Johnstoun in Tarves. Cautioner Andrew Howatt, burgess of Abd.
18.     Alexr. Cuming of Culter *v.* Robert Stewart of Countesswallis. Cautioner Francis Keyth, son of John Keyth of Northfeild.
19.     John Reithe in Tillinad *v.* Thomas Andersone in Toddellhills. Cautioner John Simsone in Cauldwallis *et e contra*.
- Alexr. Cheyne of Cauldwallis *v.* Thomas Andersone in Toddellhills. Cautioner John Simsone in Cauldwallis.
22.     **Warranty of Title.** Robert Cowtis in Colquhonie having sold four cows to Wm. Andersone in Finnalost, James Gell in Belnabodache, Patrick Andersone at the Kirk of Invernochtie, Thomas Hay in Bellibeg and Elspet Grassiche in Tullochaspak, now warranted them at all hands and specially against claims at the instance of John Stewin in Warthill of Lumphannand.



## Aberdeenshire Sheriff Court :

1612.

- Decr. 23. **Loosings of Arrestments.** David Kempt, Baxter, and Andrew Watsone, Wricht, burgesses of Abd. *v.* Thomas Thomsone, burges of Abd. Cautioner John Cruikschanck, burges of Abd.

Robert Low in Cottoune of Gicht *v.* George Murray in Boigheids of Fywie. Cautioner George Kar, Younger of Benvellis.

28. **Judicial Obligation.** James Hervie, eldest son of Andrew Hervie of Elrik and Wm. Andersone in Boighoill and George Forbes in the Hill of Drumnagar, his tenants, bound themselves to deliver certain victual to Mr. Wm. Moir, burges of Abd. at his house there between the feasts of Yuill & Candilmes, 1613.

31. **Loosings of Arrestments.** Peter, Bishop of Aberdeen *v.* Lucras [Lucretia] Mowtray, widow of John Leyth of Edingerrak and Wm. Andersone, sometime in Boighoill then in Elrik. Cautioner James Hervie of Elrik. Rents of Boighoill were claimed.

James, Earl of Murray *v.* Wm. & James Symmers and Thomas Rob all in Haltoune of Fintray. The parties were cautioners for each other. A claim for rents.

1613.

- Jany. 1. Wm. Keyth in Adane, natural son of the late Alexr. Keyth of Karnes *a.* Wm. Fywie and Elspet Nicoll in Altrie. Cautioner Gilbert Gordoun, burges of Abd.

2. Margaret Gardyne, widow of Wm. Stewart of Cowsteanis and wife of Mr. Robert Udnie of Tillicorthie *v.* Thomas Thomsone, Thomas Clerk & Wm. Woid all in Cowsteanis, who were cautioners for each other.

7. John Gordoun of Lentusche, Sheriff depute of Abd. *v.* Thomas Muir at the Chappell of Gareoche. Cautioner James Senzeour in Balquhene.

13. Dame Jeillis Grame, Countes of Angous *v.* Marioun Kellie, widow of John Kellie in Auchquhythie. Cautioner John Andersone in Fowlertoun of Thainstoun.

**Reset of Theft.** John Gordoun of Lentusche, Sheriff depute *v.* Alexander Stewin and John Stewin in Inverourie, who were charged with being "alledgit airt pairt counsell & recepting from Thomas Boner of certane stowin fangis."

14. **Loosings of Arrestments.** Gilbert Keyth of Aucheires *v.* Alexr. Andersone there. Cautioner James Andersone in Corthiebray.

16. James Gardyne of Blakfuird *v.* John Watsone in Smiddieburne. Cautioner Henry Kemptie at the Mylne of Gourdes.

Margaret Gardyne, widow of Wm. Stewart of Cowsteanis and Mr. Robert Udnie of Tillicorthie, her husband *v.* Andrew Cuming & Alexr. Porter in Garthie, who were cautioners for each other.

21. Alexr. Leslie, Portioner of Auquhorsk *v.* Thomas Clerk in Cowsteanis. Cautioner Thomas Smyth in Baddindauchie. Apparently a claim for rent.



## Judicial Enactments : Vol. II., Contents

1613.

Jany. 23. **Loosings of Arrestments.** Allaster Andersone in Rippachie *v.* Thomas Burnet, lawful son of Thomas Burnet of Ennettis. Cautioner James Gordoun, burgess of Abd. The corn on the lands of Pronie.

Margaret Bartlat, widow of James Wobster, sometime in Tilliry and James Connand in Tilliewe *v.* John Cowper in Pettimuk. Cautioner Alexr. Cowper in Hill of Fiddes.

John Stewin in Wodsyid *v.* William Clerk in Nether Lainschaw. Cautioner Andrew Horne, younger, burgess of Abd.

James Pettindreiche *v.* Thomas Cocker at the Mylne of Knokleyth. Cautioner John Dempster of Knokleyth.

29. Robert, Walter, Nicoll, David and Bessie Bauerlay and James Connand in Tilliew, husband of Bessie Bauerlay *v.* Alexr. Young in Monycabak. Cautioner Thomas Cargill in Boddumes.

30. John Leslie of Petcapill *v.* Andrew Archibauld at the Mylne of Warthill. Cautioner Robert Abircrombie at the Mylne of Petmedden.

Feby. 5. Patrick Allane in Fraserisburgh *v.* John Greig there. Cautioner Robert Stewart in Invernorth.

6. John Gordoun of Awachie *v.* Andrew Crichtoun in Tempill Land of Auchterles. Cautioner Mr. Robert Maitland, Persone of Auchterles.

**Removing.** Majorie Midlar, widow of Wm. Davidsone in Raneistoun, and Henry Ligertwoid there consented to remove from their holdings under Thomas Cheyne of Raneistoun at Whitsunday following.

11. **Acknowledgment of Debt.** James Irving in Beildsyid acknowledged himself to be due to Mr. Gilbert Gray, "Principall of the College of New Abd." 4 bolls beir, 10 firlots meill and a lamb for rent.

13. **Renunciation.** Margaret Gardyne, widow of Wm. Stewart, sometime of Settoune, and wife of Mr. Robert Udnie of Tillicorthie, renounced in favor of Sir Robert Keythe of Benholme, Knight, all right she might have to the "toun and landis of Settoun Bruntrigis Siefeld and Cunniger thairof the Waird callit Bischopis waird and Sanct Machares insche stok or teyned scheawis thairof or in and to ane half nettis Salmond fisching one the watter of Done aboue and beneth the brig of the samen hauldin of the Bischop of Abd."

16. **Renunciation and Discharge.** By this act Arthur Forbes in Balfour declared to be redeemed by Alexr. Straquhin of Glenkyndie, "ane pleuche of the Mains of Glenkyndie." The wadset of the land had originally been made by Wm. Straquhin, the grandfather of Alexander, to Duncan Forbes of Balfour, the father of Arthur.

20. **Loosing of Arrestment.** John Symsonne at the Mylne of Skletie *v.* Andrew Torrie in Auld Abd. Cautioner Andrew Matthowsone, Fermorar, indweller in Abd.

## Aberdeenshire Sheriff Court :

1613.  
Feb'y. 24.     **Loosing of Arrestment.**   Wm. Udnie in Auchlounne *v.* John Mylne in Auld Abd.   Cautioner Mr. Wm. Chalmers of Waster Disblair.
27.     **Theft.**   Mr. Wm. Barclay, Procurator Fiscal *v.* John Tailzeour in Crabistoun. Cautioner George Keythe, Saidler, burgess of Abd.
- March 3.     **Loosing of Arrestment.**   Arthur Settounne of Orchertoun *v.* Gilbert Annand, burgess of Abd.   Cautioner Wm. Blakhall, Maltman, burgess of Abd.   There had been arrested 15 bolls "gryt aittis cheriteit."
11.     **Caution to Appear.**   The Crown *v.* Andrew Davidsons in Waster Disblair, for whose appearance on 15 days warning "for sic criminall factis as sall be laid to his chaarge" and for the loosing of an arrestment, Mr. Wm. Chalmer, portioner of Waster Disblair, was cautioner.
19.     **Loosings of Arrestments.**   James Forbes of Lethintie *v.* James Brabner, Maltman, burgess of Abd.   Cautioner Peter Merschall, Maltman, burgess there.
22.     Thomas Robertsons in the Wod of Drum, Alexr. Smyth in Beildsyd, James Mowat in Dowaltie and Alexr. George, Messenger, *v.* Robert Irving, Cowper, burgess of Abd.   Cautioner George Scot, burgess there.
24.     **Renunciation.**   Isobel Gordoune, lawful daughter of John Gordoune of Newtounne, and wife of George Gordoune, fiar of Beldornie, renounced in favor of the said John Gordoune and Margaret Udnie, his wife, in conjunct fee and the longest liver and to his heirs, whom failing to Janet Gordoune, the said John's daughter, parts of the lands of Monycabak.
26.     **Removing.**   Robert Thomsone at the Mylne of Ord bound himself to remove at Whitsunday in favor of Andrew Burnet in Ord, who was principal tacksmen thereof.
27.     **Renunciation.**   This act was made by Isobell Guthrie, widow of John Leslie, younger, Citiner in Brechin, and Cristiane Leslie, his only daughter and heir, with consent of Wm. Leslie in Auld Leslie, her husband, in favor of John Udnie in Ower Petforthe.   The Renunciation was granted in terms of a contract between these parties and others, dated 9 and 12 March, and related to a number of properties fully described in the "Citie" of Brechin.   Among the parties to the contract were Patrick Leslie of Kincragie, George Leslie, fiar thereof, John Leslie son of Patrick Leslie, George Barroun of Kinard and Mr. James Guthrie, Minister at Urquhart.
- Renunciation.**   The said Isobell Guthrie and Cristiane Leslie, with consent of the said Wm. Leslie, in favor of David Carnegie of Cuikstounne.   This entry also refers to subjects in Brechin fully described.
29.     **Loosings of Arrestments.**   Robert Thomsone at the Mylne of Ord *v.* Alexr. Fraser in Brotherfeild.   Cautioners John Wallace in Beildsyd and John Henderson in Schethokisley.
- Thomas Robertsons in the Woid of Drum, Alexr. Smyth in Beildsyd, James Mowat in Dowaltie and Alexr. George in Collairlie *v.* Gilbert Stewin, burgess of Abd. Cautioner David Aidie, burgess there.

## Judicial Enactments: Vol. II., Contents

1613.

March 31. **Loosing of Arrestment.** Walter Ord, servitor to George, Earl Merschell, *v.* Thomas Norie and Andrew Touche in Feddie. Cautioner John Woid in Mylneboy. A claim for rents.

April 3. **Removing.** Robert Broun at the Mylne of Ranestoun bound himself to remove therefrom at Whitsunday.

**Removing.** John Leslie in Kintoir bound himself, in obedience to a Decree of the Court of Session, dated 10 July, 1612, and of letters of horning at the instance of Mr. Gilbert Gray, principal and common procurator of the New College of Abd. and remanent members of the said College, to remove at Whitsunday from 8 roods in the town of Kintoir "pertaining of auld to the freiris of the said burgh of Abd. and now to the said College." The roods are fully described in the entry.

7. **Loosing of Arrestment.** James Brabner, Maltman, burgess of Abd. *v.* Andrew Donald in Conglass. Cautioner John Donald in Portstoune.

8. **Curatory ad Litem.** The Sheriff depute appointed Mr. Robert Paip, Advocate, Tutor ad litem to George Johnnestoune of that Ilk for the purpose of sueing out removings against tenants, etc. Cautioner Wm. Craig, Rothiesieherrald [Rothsay Herald].

9. **Removing.** Margaret Makcomtosche, widow of Alexander Forbes of Petsligo and wife of Wm. Sutherland of Duffus *v.* John Forbes of Campbell. The lady was liferentrix of the lands of Pettellochie, Knokissoul, Bogstoun, Kayrnemoir and Maissonis Croft in the parish of Coldstone and had raised letters of horning against Forbes for removing.

14. **Loosings of Arrestments.** George Leslie of that Ilk *v.* George Leslie in the Mains of Leslie. Cautioner Patrick Innes of Edingerrak.

15. Hectour Abircrombie of Wasthall *v.* Alexr. Leslie at the Mylne of Wasthall. Cautioner John Leyth of Raine.

17. John Gordoune in Drymmeis *v.* James Gordoune in Drymmeis. Cautioner James Hervie of Elrick.

23. John Johnnestoun in Tilliriauche *v.* Alexr. Patersone in Damgrein. Cautioner Robert Johnnestoune in Kayismylne.

24. **Assault, Blood-drawing.** The Procurator Fiscal *v.* Patrick Moreis in Brexhill, who was charged with "oppressing trubling dinging striking and bluid drawing of Magdalen Greig spous to Duncane Forrest in Petfour." Cautioner John Moreis in Brexhill.

26. **Loosings of Arrestments.** George, Earl Merschell *v.* Isobel Mengzeis, widow of John Forbes of Boig [or Brig] and liferentrix of the lands of Toft hills where peats had been arrested. Cautioner Mr. John Mortymer, burgess of Abd.

May 5. Arthur Scherar in Auchlie *v.* Thomas Bisset at the Mylne of Gatns [or Gatis], Wm. Bisset his son there and John Bisset at the Kirk of Cremound. Cautioner George Dowertie, burgess of Abd.

## Aberdeenshire Sheriff Court :

1613.  
May 14. **Judicial Ratification.** Luces [Lucretia] Hervy, wife of Wm. Forbes of Logiefintray ratified an alienation to Adam Gordoune of Boighoill of ten oxengait of the lands of Elrick occupied by Alexr. Ventoun.

16. **Loosings of Arrestments.** James Gordone, fiar of Newtown v. Symoun Galloway in Carnhill. Cautioner Mr. Wm. Moir, burgess of Abd.

19. John Leslie of Wardes v. Margaret Watsone, widow of Andrew Andersone in Meikill Durnoch. Cautioner John Watsone in Lytill Gowill.

Robert Carnegie of Kirktoon of Aboyne v. Andrew Edie in Waster Kincardin. Cautioner James Ray, burgess of Abd.

**Judicial Obligation. Hypothecation.** Andrew Cargill in Boddumes admitted being due to Alexr. Murray, burgess of Abd. his landlord, certain rents in money and kind, which he bound himself to pay, and declared that the crop upon his holding was to be stricted and hypothecated in security for more sure payment.

20. **Loosings of Arrestments.** John Fraser of Meikill Crichtie v. John Daniell in Crichtie. Cautioner Alexr. Daniell there.

21. George Scot of Perskow v. Andrew Rickert in Perskow. Cautioner Alexr. Fraser in Perk of Cremond. In this as in a good many arrestments the "haill tymber durris & windowis of the bigingis" were arrested.

22. James Leslie of Ryhill v. Henry Leslie in Ryhill. Cautioner George Elphinstoun, Saidler, burgess of Abd.

James Prat in Auldquhat v. Andrew Gray in Culsche of Feddret. Cautioner Mr. Robert Lumisden of Auchinlek.

**Renunciation and Discharge.** Helen Innes, widow of George Innes in Calsie-end of Towie and George Gordoune, then her husband, acknowledged receipt from Arthur, Lord Forbes, of 1000 merks for the redemption of the "sext pairt toune & lands of Towie callit the Calsie end" in the Parish of Clatt. The money belonged to the female granter in liferent and her only son Arthur Innes in fee. James Gordoune of Knokaspak bound himself as cautioner for the proper application of the money, and joined in warranting the discharge.

**Renunciation and Discharge.** Patrick Banerman of Balmakessie in favor of Mr. Robert Gordoune of Fechill. In consideration of a payment of 1840 merks and of a 21 years lease to him of the lands, Banerman declared to be redeemed the "toune and landis of the Sone pleuche of the toune and landis of Fechill." There is an interesting deduction of Banerman's title.

24. **Loosings of Arrestments.** George Keythe of Glakreauche v. Micheall Jaffray in Lytill Elrick. Cautioner Wm. Gordoun in Kiddishill.

John Androw v. John Gray in Tartowie. Cautioner Wm. Forbes in Tartowie.



## Judicial Enactments: Vol. II., Contents

1613.  
May 24. **Loosings of Arrestments.** Robert Carnegie of Kirkcoun of Aboyne v. Wm. Stewin in Waster Kincardyn. Cautioner Alexr. Farquhar of Kincraigie.

25. Andrew Crichtoun in Tempill Land of Auchterless v. John Gordoun of Awachie. Cautioner James Gordoun at the Mylne of Ruthven.

**Renunciation and Discharge.** For the fulfilling of a Contract made between James Gordoun, fiar of Newtown on the one part and Alexr. Pantoun, burgess of Abd., with consent of Robert Hoig of Gellan, William and Mr. Thomas Lowson, burgesses of Abd., Jean Mengzeis, wife of Pantoun, discharged whatever right she had to "the sone or eist half of all and haill the toun and landis of New Rain half landis of Barrelldykis," etc., in the parish of Rain.

**Removing.** Ursula Gordoune, widow of John Grant in Owerfulziement, consented to remove from four oxengait of Dryden in Auchindoir in favor of James Gordoune of Lesmoir, in whose name George Gordoune, younger, of Coclairachie, took Act of Court.

26. **Loosings of Arrestments.** Malcome Laing in Smithstoun and Wm. Knox in Insche v. Arthur Meldrum in Insche. Cautioner George Meldrum in Medipill.

Andrew and Margaret King, lawful children of John King, burgess of Abd. and Andrew King, their Curator, v. Margaret Gairdyne and Mr. Robert Udnie of Tilli-corthie. Cautioner Alexr. Copland of Udoche.

**Renunciation and Discharge.** In consideration of 300 merks paid to him by James Gordoun, fiar of Newtown, James Sengzeor in Balquhen discharged his rights to the "sone half landis of Barrelldykis with the schaddow four oxengait of New Rain."

**Loosing of Arrestment.** Patrick Thomsone in Glak v. John Innes in Boyndis. Cautioner George Leslie at the New Mylne of Cremound.

27. **Renunciation and Discharge.** It would appear from this entry that, on the marriage of Margaret, only lawful child of the late Magnus Keyth of Fynnerseis and Margaret Knowis, his wife, to Alexr. Fraser of Boigheidis in March preceding, certain provisions had been made to the lady, secured upon the lands of "Monycabak aucht oxingait lands of Auld Rain dispoit be umqll Patrick Leyth of Harthill to hir umqll father third pairt landis of Meikill Fynnerseis third pairt landis of Lytill Fynnerseis" and "third pairt toun and lands of Monecht." In consideration of "certane gryt sowmes of monie" specified in the Marriage Contract, paid by Mr. Gilbert Keyth, portioner of Fynnerseis, the parties now appeared, granted this discharge, and released the lands.

28. **Renunciation and Discharge.** Margaret Keythe, wife of George Keythe of Glakrauche, renounced and discharged her rights of conjunct fee and others over "aucht oxingait of the toun and landis of Waster Fintray and to aucht pairt of the Wast meadow" in favor of Mr. Robert Paip, Advocate in Abd. and Elspet Leask, his wife.

## Aberdeenshire Sheriff Court :

1613.  
May 29.

**Loosings of Arrestments.** John Gray at the Mylne of Leask *v.* George Gardyne in Halkhillok and Gilbert Gawan there. Cautioners John Gardyne in Kinknokie and Alexr. Gawan in Nether Leask.

June 2. William Gordoun of Abirzeldie and Duncan Dauidsone in Ferrar *v.* John Kar, burgess of Abd. Cautioner John Skene, burgess of Abd.

5. The Baillies, Council and Community of the Burgh of Kintoir *v.* Patrick Fowler in Auchquherthyne. Peats in the moss called Moss Martyne. Cautioner James Gordoun at the Mylne of Ruthven.

**Sheepstealing.** David Andersone in Cowsteanis *v.* Wm. Ray in Toux. Cautioner Charles Currie in Middill Disblair. The charge was for "the thiteous steilling and marking of ane blak wedder lamb with ane quhyt spot upone the cheik thairof."

7. **Loosings of Arrestments.** James Reid at the Mylne of Brux *v.* Wm. Merse in Arsballoche. Cautioner Duncan Blakhall in Clerkseitt.

James Forbes of Tilligonie *v.* David Hendersone in Muglaymedow. Cautioner Alexr. Foly in Ower Boighous of Tolquhone.

8. **Assault—Blood-drawing.** The Procurator Fiscal (Mr. Wm. Barclay) and John Ogilvie in Areburne *v.* Andrew Giffert in Kynmundie. Cautioner James Hervie in Boighoill.

9. **Removing.** Wm. Yett in Fiddes consented to remove from Ailhaus of Fiddes, in the parish of Foveran, in favor of Arthur, Lord Forbes, the proprietor.

**Loosings of Arrestments.** John Gordoun of Buckie *v.* John Cheyne in Claymyris. Cautioner Arthur Setoune in Kilblein.

Wm. Donaldsone in Bantuithe *v.* Alexr. Thomsone there. Cautioner Wm. Aiking there.

10. Elspet Watson, lawful daughter of the late Wm. Watson sometime at Walkmill of Cors *v.* John Abircrummy there. Cautioner Alexr. Forbes in Carnday.

14. **Tutury.** James Gordoune, burgess of Abd. enacted himself as cautioner for the intromissions of John Calder of Eister Migvie, who was tutor to John Forbes, lawful son of the late John Forbes of Ardmurdo.

15. **Loosings of Arrestments.** John Hay of Cremound *v.* Wm. Kempt in Newseat of Dumbrek. Cautioner James Andersone there.

16. Mr. Wm. Forbes of Meanie *v.* George Calder in Carnecowlie. Cautioner James Gordoun, burgess of Abd.

26. George Leslie of that ilk *v.* John Leithe of Quhythawche and his tenants of Drumgowan. Cautioner Thomas Watson, burgess of Abd. Dispute about the lands of Boigis, Hairheid and Tamack.

## Judicial Enactments: Vol. II., Contents

- <sup>1613.</sup>  
June 29. **Loosing of Arrestment.** John Leithe (here styled of Montgarrie) *v.* Andrew Leslie in New Leslie, for whom Leslie of that Ilk was cautioner, the subject of dispute being the same as in the preceding entry.
- July 5. **Removing.** John Davidsoun, Cordiner in Auld Abd. bound himself to remove from a rig of land of Peterstoun in the West Territory of Auld Abd. belonging to Charles Robertsoun, burgess of Abd.
9. **Loosings of Arrestments.** George Leslie of that Ilk *v.* Patrick Innes of Brindie. Cautioner Andrew Straquhin of Ardo. The boundaries of the lands which were in dispute are thus described: "Beginand at the Gareoeche fuird on the eist syd the Cardounward [or Cardounwall] and utheris merchis on the West and on the Northe syd of Brownhill as wind & wedder scheiris."
10. James Crichtoun of Frendraucht *v.* John Gordoun at Troupis Mylne, George Michie in Beigishill, Robert Leithe in Steaniefeild and Robert Horne there. Cautioner Mr. John Mortymer, burgess of Abd. Dispute about the Moss of Steaniefeild "callit the Persones Moss."
- Sheepstealing.** The Crown *v.* Alexr. Glennie in Kirkton of Premnay, who was charged "with the thiftious steilling of ane yow with ane lamb at her fute fra George Forbes at the Mylne of Bairnis." Cautioner Wm. Hoigis in Crabistoun.
13. **Loosings of Arrestments.** Alexr. Fraser, sometime in Brotherfeild then in Clunie *v.* John Phannis in Kynmundie and Marjory Jaffray, his wife. Cautioner Wm. Forbes in Kynmundie.
17. Mr. Robert Lumisden of Auchinleck *v.* Andrew Low in Craigmylne. Cautioner George Low in Auldmad.
19. Wm. Stewart and Peter Merschall, Indwellers in Abd. *v.* James Tailzeour at the Mylne of Gilcomstoun. Cautioner Mr. David Rutherford, Baillie and burgess of Abd.
21. George Johnnestoun of that Ilk *v.* George Leslie at the New Mylne of Cremound. Cautioner Wm. Blakhall, Maltman, burgess of Abd. Peats cast upon part of the lands of Fewallis.
22. Gilbert, James and Thomas Bodie in Peterheid *v.* James Pirie in Peterheid. Cautioner Andrew Milne, Armorar in Abd. Peats in the Moss of Quhyithill in the parish of Peterugie.
24. John Leslie of Petcapill *v.* Arthur Smyth in Fewallis, and George Johnnestoun there. Another case about peats upon Fewallis. Johnnestoun was cautioner for Smyth and John Ronaldsone in Owertoun for Johnnestoun.
26. Walter Gordoune, lawful son of John Gordoune in Quhytsteanis *v.* the said John Gordoune, and also against Patrick Gordoun of Halheid, Thomas Mylne in Corquhunderland, John Tois there, James Constabil at the Mylne of Blairordans, Patrick Crerer in Blakhill, Duncan Watsons there, James Tailzeour in Boigfairnie, Elspet Tailzeour there, John Morgin there. James Gordoune, burgess of Abd. was cautioner for John Gordoune, who was cautioner for the others.

## Aberdeenshire Sheriff Court :

1613.

July 27. **Assault—Blood-drawing.** The Procurator Fiscal and David Chalmer in Waster Disblair *v.* Alexr. Andersone in Scheilloig. Cautioner Robert Johnnestoun of Kendell.

**Loosings of Arrestments.** Nathaniel Keith of Lytill Cocklaw *v.* James Walker, Wm. Greig and Andrew & Alexr. Gray, all in Peterheid. Cautioner Thomas Watson, burgess of Abd.

28. Wm. and Alexr. Troup in the Mains of Murthill *v.* Alexr. Galloway there. Cautioner Alexr. Drum, burgess of Abd.

Margaret Liddell, wife of John Mitschell, burgess of Abd. *v.* Gilbert Cullen, Andrew Burnet and Alexr. Cruikshank, burgesses of Abd. Cautioner Alexr. Jaffray, burgess of Abd., whose signature as well as that of Cullen is adhibited to the entry.

Augt. 2. James Stewart of Rylland *v.* Gilbert Baird of Auchmedden. Cautioner Mr. Wm. Quhyt in Ardlahill.

3. Wm. Gordoun of Abirzeldie *v.* Thomas Gordoun in Knok. Cautioner Wm. Gordoun of Kennertie. Dispute about the Moss of Stering.

5. James Fergowsone in Segieden *v.* Archibald Beidie at the Mylne. Cautioner Patrick Forbes, Wobster, burgess of Abd.

6. Robert Harrow in the Eist town of Pettfoddells *v.* Patrick Phynnie in Cowie. Cautioner John Phynnie, Indweller, servitor to Patrick Gordoun of Birsmoir. What had been arrested here were "the tua riggis of aittis sawin be the said Patrick upone the seitts & pendicles of Petmukstoun be the get and eist syd thairof that passis to the Brig of Die."

7. Robert Aikine, sometime in Fintreye *v.* Andrew Symmer, Tailzeour in Waster Fintrey. Cautioner Andrew Cuming in Balbithane.

**Acknowledgment and Obligation.** Mr. John Lumisden at the Brig of Balgovnie, as tenant of Balgovnie, bound himself to pay to Mr. Thomas Mengzeis, the proprietor, "tua chalders beir and twentie sex bolles meill" for rent crop 1612, before 24 August instant. Failing payment in kind, the liquidate price of the beir was to be ten merks per boll, and that of the meal nine merks per boll.

10. **Loosings of Arrestments.** Peter, Bishop of Abd., the "Dein & Chapter thairof and Inhabitants of the Chanrie" *v.* Thomas Davidsons, Notary Public in Auld Abd. Cautioner Wm. Auld, Citiner in Auld Abd. The arrestment was of "the stanes wyne furthe and to be transportit be him" [Davidsons] "out of Forbes Maness" [Manse] "and yard in Auld Abd."

11. Sir John Wood of Fettercarne, Knight *v.* Gilbert and Thomas Ramsey in Haltounne of Belhelvie. Cautioner Andrew Grahame, Chalmerlane to Patrick, Earl of Kingorne. The claim was for the rents of Pettens.

12. The Crown and Wm. Touch, Janet Touch and Livingstounne, her husband *v.* Gilbert Yeman in Newtoun of Skeyne. Cautioner Mr. Duncan Forbes of Balnagask.



1613.  
Augt. 14.

Margaret Gardyne, widow of Wm. Stewart of Cowsteans and Mr. Robert Udnie of Tillicorthie, her husband *v.* Wm. Setoun of Eister Disblair. Cautioner Arthur Chalmer, Indweller in Abd.

17. Margaret Gardyne and Mr. Robert Udnie (as in preceding entry) *v.* Wm. Ray in Toux, Thomas Davidstone in Middiltoun of Disblair, James Andersone alias Laird there, James Andersone "callit litill James" there and Charles Currie there. The dispute here as in the preceding entry was about the "Muiris of Uschihillis."
  19. John Fraser of Clintertie *v.* Mr. Wm. Fraser of Cautioner Wm. Forbes of Tolquhone. The crop upon the [?] "Cuillfuird of Clintertie" had been arrested.
  20. John Leslie, fear of Balquhane *v.* James Crombie in Nethirtoun of Fetterneir, Patrick Mathowsone there and Richard Mailling in Owertoun of Fetterneir. Cautioner Thomas Patirsone, Merchand, burgess of Abd.
  21. Alexr. Daniell in Meikill Chrichie *v.* Andrew Kyd in Meikill Elik. Cautioner Alexr. Innes, Citiner in Auld Abd.
  23. John Hamiltoun, son of James Hamiltoun in Westport *v.* Alexr. Young in Boddomes. Cautioner Thomas Cargill in Boddomes. Claim for the rents of Boddomes.
  25. Isobel Jak, widow of Walter Watsone, Maltman, burgess of Abd. *v.* Thomas Watsone, Portioner of the Casteltoun of Durris, and also against John Dennis, Fermorar in Abd. Cautioner Peter Merschell, Maltman, burgess of Abd.
  26. James, Earl of Murray *v.* Wm. Seytoun of Disblair. Cautioner Arthur Chalmer, indweller in Abd. Crop on the West and South side of the Reidburne.
  27. Alexr. Cuming of Culter *v.* Gilbert Hall in Craigtoun of Petircultir. Cautioner John Wallace in Beildsyid.
  28. Patrick Cheyne of Caldwellis *v.* James Mylne, sometime at the Mylne of Cauldwallis, then at the Mill [sic] of Fortrie. Cautioner Findlay Willox, Merchand, burgess of Abd.
- Archibald Beidie at the Mill of Syd *v.* James Fergusson in Segiedene. Cautioner Alexr. Moir, Wobster, burgess of Abd.
31. John Broun at the Milne of Knokleithe *v.* Wm. Abirnethie in Knokleithe. Cautioner Robert Reidfurd in Fischerfuird.

Wm. Johnstone in Craibstone v. Wm. Galloway in Blakhillis. Cautioner  
Wm. Forbes in Waster Kinmundie.

## Aberdeenshire Sheriff Court :

1613.  
Sept. 1.

1. **Loosings of Arrestments.** Alexr. Copland of Udoche *v.* Janet Gray, widow of Wm. Clark in Greynness. Cautioner Alexr. Clark in Greynness.  
  
Alexr. Skeyne of that Ilk *v.* Mr. Robert Irving in Fornet. Cautioner Mr. James Irving, Minister at Touche. Crop upon "the Northe and Northe eist pairtis of the propertie & commoutie of Turriwaill."
4. Wm. Ogistoun in Rathine *v.* James Dilgardno in Rathine. Cautioner Mathew Donaldsone, burgess of Abd. The arrestment here was unusually comprehensive being expressed as follows, "the cornis sawin be him houssis bandit & bigit peittis turvis fewall faill & dovatis cassin be him" [in 1613] "within the bounds of Rathine."
7. James, Earl of Murray, *v.* Thomas Glenly and Thomas Bayerlay, both in Wodheid. Cautioner James Hervie, fear of Elrik. Crop on the South and West side of the Reidburne.
8. Alex. Craufurd as assignee of George Craufurd of Annachie, his brother *v.* John Low, sometime in Annachie then in Auchnagat. Cautioner Robert Burnet, burgess of Abd.
10. George Pirrie at the Auld Mylne of Phillorthe *v.* Magnus Fraser in Fraserburgh. Cautioner Thomas Cowie, burgess of Abd.
11. Sir Wm. Irving of [?] Cuchlie, Knight, *v.* Duncan Forbes of Byth. Cautioner Mr. Andrew Clark, burgess of Abd.  
  
James Irving of Auchzeoche *v.* Alexr. Ross in Brunhill. Cautioner Mr. Gilbert Ross in Quhobbis.  
  
Thomas Fraser in Litill Kinnadie *v.* Thomas Crookat in Auchquhorsk. Cautioner James Keythe of Kinnadies.
13. Stephen Mackie at the Ower Mylne of Kintor *v.* John Hill in Kintor, Wm. Name in Tofthillis and John Hervie in Kintor. Cautioner, Mr. John Mortymer, burgess of Abd.
14. Alexander, Master of Forbes, and Arthur, Lord Forbes, his father and Tutor *v.* Patrick Con of Auchry and Patrick Con, Younger, apparent thereof. Cautioner James Pantoun in Meikill Auchry. Crop on part of Allathyne and Kippernahill had been arrested.
16. William, Lord Keith *v.* Alexr. Jameson in Kindrocht, Hew Craik there, Wm. Sewan there and James Schirra there. Cautioner Mr. George Norie, burgess of Fraserburgh whom James Fraser of Cairnes bound himself to relieve.

**Renunciation and Discharge.** Helen Iloig, wife of Alexr. Gordoun, sometime of Swailend, appeared and renounced and discharged any rights of liferent or conjunct fee which she might have in the lands of Swailend in favor of George Currou, burgess of Abd., and Jeane Hay, his wife, and after them to David Currou, fiar of Balgringo, and Christiane Currou, his wife. The Senatus consultum Velleianum was specially referred to. Thomas Crombie, Writer to the Signet, represented the various parties. This Act of Court was initialed by one Sheriff depute and signed by the other. Nine months later, on 15 June, 1614, for farther security another Act of Court was taken ratifying the former, and was signed by Gordoun and his wife, the latter notarially.

## Judicial Enactments: Vol. II., Contents

1613.  
Sept. 17. **Loosings of Arrestments.** James, Earl of Murray, Margaret Gardyne, Francis Stewart, her son by her first marriage, and Mr. Robert Udnie, her husband, *v.* Wm. Ray in Toux, Thomas Davidstone in Middiltoun, Charles Currie there, James Andersone and James Andersone, called the "Laird," both there, Wm. Cantley in Calsie end, Wm. Reid there and John Clark there. Cautioner Gilbert Johnestoun of Peddeismylne.
18. Wm. Forbes of Tolquhone, Patrick Forbes in Thainstoun & John Williamsone at the Mylne of Thainstoun *v.* Gilbert Low in Boigquhir in Kemnay. Cautioner Walter Innes of Ardtannes.
- Wm. Setoun of Disblair *v.* Andrew Symmer in Haltoun of Fintray, Thomas Rob there, Henry Clerk there, James Symmer there and Andrew Leslie there, who became cautioners for each other. The Reidburne again.
- Stephen Mackie at the Ower Mylne of Kintore *v.* Dioness [Dionysius] Chalmer in Tofthillis. Cautioner Mr. John Mortimer, burgess of Abd.
- (1) George Johnestoun of that Ilk, Wm. Setoun of Disblair and Gilbert Johnestoun of Peddeismylne *v.* John Andersone, James Symmer, Magnus Symmer, Thomas Rob, Andrew Symmer all in Haltoun of Fintray and Andrew Leslie in Kowsteanis who were cautioners for each other. (2) The same pursuers *v.* John Bauerlay and James Irnsyd in Haltoun of Fintray, for whom James Symmer there was cautioner. Crop upon the North side of the "Steaneburne of Haltoun of Fintray."
20. The same pursuers as in last cases *v.* Wm. Materis, Thomas Thomsone, David Andersone and Wm. Woid, all in Kowsteanis, who were cautioners for each other. Crop upon the "Northe woid of Garvack and Langhill."
- The same pursuers *v.* James Glennie in Boigis and John Symmer in Newlands, who were cautioners for each other. Crop upon the "Boigis and New landis of Fintray."
21. **Assault—Blood-drawing.** The Procurator Fiscal (Mr. Wm. Barclay) and Andrew Meanie in Auld Abd. *v.* John Jamesone in Tulloche. Cautioner Andrew Kellie, burgess of Abd.
22. **Loosings of Arrestments.** Johnestoun of that Ilk, Setoun of Disblair and Johnestoun of Peddeismylne *v.* Gilbert Leslie in Boig. Cautioner Wm. Blakhall, Maltman, burgess of Abd.
23. Margaret Hay, widow of Mr. Michael Fraser of Techmurie and Thomas Hay in Graysteane of Ardendracht *v.* Wm. Kennedie in Kirkhill of Carmuk. Cautioner James Ogilvie of Birness.
24. William, Lord Keythe *v.* Magnus Smyth in Denend of Kindrocht. Cautioner Alexr. Fraser, brother german of the late Mr. Michael Fraser of Techmurie.
28. Janet Duncane, widow of Abraham Forbes of Blaktoun *v.* in Craigheid. Cautioner Alexander Jaffrey, Bailie burgess of Abd., who signed the entry.



## Aberdeenshire Sheriff Court :

1613.  
Sept. 28.     **Loosing of Arrestment.** Duncan Forbes of Bythe *v.* Andrew Quharnie in Quhytsteanis. Cautioner Gilbert Hall in Craigtoun of Culter. Crop on "the Quhytstak of Gullie."

30.     **Renunciation and Discharge.** Patrick Gray, burgess of Abd., appeared, and in respect of a payment of 1000 merks, judicially declared that Mylne of Elrick, etc., had been redeemed from him by Andrew Hervie of Elrick. The Sheriff Depute was Mr. Alexr. Jaffray of Kingiswallis, who along with Gray signed the entry.

Oct. 1.     **Loosings of Arrestments.** Wm. Forbes in Kynmundie *v.* John Gray in Auchquhrenie. Cautioner Wm. Galloway, burgess of Abd.

4.     Robert Keythe in Pettindrum *v.* Alexr. Jaffraye in Pettindrum. Cautioner Wm. Keythe of Pettindrum in the parish of Aberdour.

5.     Adam Gordoun of Glenbuchet *v.* Edward Fraser in Fraserisburgh. Cautioner Alexr. Youngsone in Invernorthe.

8.     Gawan Scott in Carnebulge *v.* Robert Dilgardno in Carnebulge. Cautioner Wm. Birnie, burgess of Fraserisburgh.

9.     Mr. James Forbes of Woidland *v.* John Ligertwoid in Tillimad. Cautioner James Ligertwoid in Fornatie.

11.     Mr. John Cheyne of Arnage *v.* Wm. Lyntoune in Wastfeild. Cautioner Patrick Hendersone, Wobster in Carnfeild. There was here in addition to a general arrestment, a special arrestment of "ten hydds within the said Williams bark pott."

Gilbert Jaffray in Ardoche *v.* Ronald Clerk in Petmedden. Cautioner James Paul in Auchclaiche.

16.     James Burges in Sklatie *v.* John Tailzeour, alias Cowper, in Crabistoune. Cautioner Robert Irving, Cowper, burgess of Abd.

23.     Cristiane Logan and John Ronaldsone in Owertoun of Dyce, her husband, and Janet Logan and Gilbert Gib, her husband *v.* Ronald Clerk in Petmedden. Cautioner Thomas Johnnestoune in Raithis.

24.     **Theft.** The Procurator Fiscal (Mr. Wm. Barclay) and the Sheriff *v.* Wm. Hervie in Kairnetrydlene. Cautioner John Bisset there.

Nov. 6.     **Removing.** George Meldrum, brother german of Andrew Meldrum of Jakstoun confessed himself lawfully removed from Jakstoun in favor of the said Andrew Meldrum.

**Loosing of Arrestment.** George Currou of Swaillend *v.* David Ronaldsone in Rethis. Cautioner William Jamesone in Tillikerrie. There had been arrested "the sowme of fourtie punds consignit be the said Daud in the Kirk box of the Parochin of Dyce."



## Judicial Enactments : Vol. II., Contents

1613.  
Nov. 12. **Agreement.** For the settlement of disputes regarding the lands of Cultis in Kennethmont, which had arisen between John Leslie of Wardes and Hew Gordoune of Cultis, and in which George Leslie of that Ilk and Robert Spence of Tulloche were also interested, this Agreement had been entered into and is here registered. The entry is much decayed and only partly legible. It appears however that the mutual friends by whose mediation the settlement was effected were Alexr. Gordoune of Clunie, Wm. Gordoune of Sauchin and John Leslie of Duncanstoun.

**Loosing of Arrestment.** Archibald Hog *v.* Alexr. Hervie, flesher. Cautioner James Thomsone in Auld Abd.

**Removing.** James Grant and Thomas Grant in Dryden of Auchindoir renounced their occupation in favor of James Gordoun of Lesmoir.

**Judicial Ratification.** Margaret Cheyne "Ladie Collestoun" ratified the wadset of the sunny plough of the half lands of Litill Drumquhendill by Gilbert Reid and Andrew Reid of Collestoun, his father, to Andrew Woid of                    for £1000.

15. **Judicial Ratification.** Elspet Meldrum, wife of Andrew Meldrum of Jakstoun, ratified a wadset by her husband of the lands of Jakstoun to Robert Stewart, brother german to John, Earl of Atholl, and Janet Leslie, his wife, in conjunct fee and liferent, etc., for 4000 merks.

17. **Loosing of Arrestment.** Olipher Glenly in Fintreye *v.* Gilbert Wilguis in Calf fauld and David Cowie in Scheilbog. Cautioner Wm. Jamesone in Tillikeirrie.

**Judicial Ratification.** Elspet Stewart, wife of Wm. Meldrum of Baddinscot ratified a wadset of her husband's lands to George Gordoun

29. **Loosings of Arrestments.** Alexr. Cuming of Culter *v.* Gilbert Hall in Craigtoun. Cautioner John Wallace in Beildsyd.

30. Abraham Broun in Kintoche *v.* John Cruikshank in Tillichetlie. Cautioner Wm. Garechoe, apparent of Kinstair.

Dec. 4. John Erskine of Balhagartie *v.* Alexr. Straquhin of Glenkyndie. Cautioner Alexr. Fraser of Kindrocht. Crop sown by Straquhin upon the "Bak moss of Auchnagat."

**Manslaughter.** The Crown *v.* James Smyth in Folla, for whose appearance John Wicht in Keltiswall was cautioner. Smyth was charged with the slaughter of Helen Wilson, in Lytill Folla.

11. **Renunciation and Discharge.** Isobel Setoune, wife of Thomas Erskine, younger, of Pettodrie, renounced in favor of her husband all her rights of conjunct fee, liferent, &c., in the lands of Balhagartie, Durlathin and third part of Pettodrie.

**Lawborrows.** Gilbert Forbes in Tartowie *v.* Wm. Davidsone in Clochmuir, Cautioner Wm. Forbes in Kynmundie.

## Aberdeenshire Sheriff Court

1614.  
Jan. 15.     **Loosings of Arrestments.** John Lumisden of Cuschnie, Robert Lumisden, fiar thereof, and Janet Duncan, widow of Abraham Forbes of Blaktoun *v.* John Reid in Brydiswall. Cautioner James Davidsone in Carnecowlie.
22.         George Bruce, Saidler, burgess of Abd. *v.* Wm. Forbes, brother german to James Forbes of Tilligonie. Cautioner Andrew Straquhan, sometime of Ardo, then in Abd.
- Wm. Forbes in Kynmundie *v.* Gilbert Gordoun in Corshill. Cautioner John Layng in Greyneburne.
- Febry. 2.     **Revocation of Deeds Granted in Minority.** Alexander Crocket, son of the late John Crocket in Myirsyd revoked deeds granted in minority, and specially an obligation in favor of George Dun in Peterheid for 25 merks.
22.         **Loosing of Arrestment.** Thomas Forrest in the Walkmynle of Tillinamolt *v.* Adam Alschioner in Auchirreis. Cautioner Gilbert Keyth of Auchirreis.
- Mch 1.        **Manslaughter.** Helen Will in Meikill Creichie and John Daniell there were charged with the slaughter of Wm. Hucheone in Carnadelie, and John Fraser of Meikill Creichie and Joseph Keyth of Auch                 were cautioners for their appearance for trial.

## Illustrative Examples taken from Vol. II. of Judicial Enactments

### Proceedings relating to Occupancy of Land

#### I.—REMOVING AND LEASE.

(4 July 1610)

The said day compeirit Thomas Leslie in Crystis Kirk and grantit himselff wyf bairines servands guidis and geir lauchfullie removet furth and fra the Brewing of Crystis Kirk and preueledge thair of and be thir presentis renunes all richt and tytill and possessioun he hes thairto and sall caus Margrat Wat spous to Alexander Jarden seas fra oney brewing and selling of aill and beir thairout in tymes cumming and that at the instance of Androw Leslie of New Leslie And forder the said Androw Leslie of New Leslie be the tennour heirof hes set and settis with the conditiones under specifeit to the said Thomas Leslie he being one lywe All and hail the fourt pairt towne and lands of Crystis Kirk houssis toftis croftis pairtis and pendiculls of the samen presentlie occupieit be the said Thomas withe the teind schewes thair of lyand within the Parochine of Kennethmont and Shrefdome of Abd. quhill the feast of Witsonday in the yeir of God 1<sup>m</sup> sex hunderethe and allewin yeiris for payment of thrie scoir tua merks maill at tua seuerall termes Witsonday and Mairtimes be equall portiounes beginand the first termes payment thair of at the said feast of Witsonday 1<sup>m</sup> sex hunderethe and allewin yeiris togidder withe sic customes and service as his nichtbouris or the remenent of the quhilk occupatioun as that same towne and lands payis at the termes usit and wonit Withe conditioun that the said Thomas big sic sufficient biging as the remenent his nichtboris of the quhilk occupatioun foirsaid hes or hapinis to big and to keip guid nichtbourheid be the sicht of Johnne Leslie of Lergie and Androw Leslie in Meikill Wardes And giue the said Thomas failzeis thairin he grantit himselff lauchfullie removet fra the said fourt pairt towne and lands of Crystis Kirk aboue writtin houssis toftis croftis pairtis pendicullis and pertinents at the feast of Witsonday nixt cummis And gif it sall hapin the said Thomas to pay his said maill and dewitie custoumes and service foirsaidis keipis guid nichtbourheid bigis the said biging and beis ane obedient servand as the rest of the remenent of his nichtbouris of the

## Aberdeenshire Sheriff Court :

towne the said Androw be thir presentis settis to the said Thomas the said fourt pairt towne and lands of Crystis Kirk houssis toftis croftis and pertinents of the samen foirsaidis withe the teind schewes of the samen fra yeir to yeir Upone the conditiones foirsaidis for the space of four yeiris nixt following the said feast of Witsunday in the yeir of God 1<sup>m</sup> sex hunderethe and allewin yeiris for yeirlie payment of sic maill dewitie and dew seruice as is aboue specifeit baithe for stok and teind of the samen beginand the first termes payment thair of the feast of Witsunday in the yeir of God 1<sup>m</sup> sex hunderethe and twalff yeiris and giue it sall hapin oney the said Thomas nichtbouris to failzie in keiping of guid nichtbourheid to him the said Androw binds & obleissis him to caus thame repair and amend the samen be the sicht of the saids Johnne Leslie of Lairgie or Androw Leslie in Meikill Wardes and to that effect the said Androw Leslie of New Leslie sall hauld court or courtis and giue the said Thomas justice to that effect Upone the quhilks premissis the said Thomas and Androw desyrit Act of Cowrt and Instrument

### II.—REMOVING. THE RIGS AND TAILS, OLD ABERDEEN.

(30 Novr 1611)

The said day in presence of the Shref deput foirsaid Compeirit personalie Alexr Blak Maltman burges of Abd and of his awin frie will grantit and confessit him lauchfullie and ordourlie removit furthe and fra the tuelft elne croft or peciess of land of that latitud and teillis thair of lyand beyond the Loche of Auld Abd of the said breid lyand betuixt the croft contigue adjacent to the tennement of John Torrie at the southe the tennement of umquhill James Mylne at the northe & the yard quhilk perteinit to John Gibsone at the eist and cowmoune gait passand to the saidis teillis at the west and fra the said teillis lyand beyond the said Loche haueand the riggis and teillis of upone the eist pairt the Kingis cowmoune gait on the southe the lands of Cottoune upone the northe and fra all thair preuileges and pertinentis lyand in [the] wast teritorie of the croftis of Auld Abd and Shrefdome of the samen And renuncit the saidis croftis withe all titill of richt propertie and possessione he had hes or may pretend to haue thairto in favours of Johne Gibsone quhome of he had the samen set his airis or assignayis or ony utheris quha sall happin to haue richt thairto Quhairupone Mr Robert Paip procuratour for Margrat Irving spous to the said Johne Gibsone tuik act and instrumentis

John Gordone Sref



## Judicial Enactments: Vol. II., Illustrative Examples

### III.—JUDICIAL HYPOTHECATION BY TENANT OF GROWING CROP FOR PAST DUE RENT.

(19 May 1613)

The said day in presens of the Shreff deput foirsaid compeirit Androw Cargill in Boddumes and grantit him restand awand to Alexander Murray burges of Abd and that for his occupatione of the said toune and lands of Boddumes croip & yeir of God 1<sup>m</sup> sex hundrethe & tuelff yeiris the sowme of thrie scoir thrie puns sex sh viiid to be payit betuixt the dait heirop and the first day of August sex bollis tuyis scheillit meill pryce of the boll aucht pundis four bollis & thrie firlottis ferme meill pryce of the boll ten merkis all to be payit betuixt the dait heirop and Mairtimes nixt to cum in this instant yeir of God 1<sup>m</sup> sex hundrethe & threttein yeiris And for the mair suir payment of the sowmes of money victuall & utheris befor specifeit the said Androw Cargill astrictit and hypothecatit his haill guids and geir movabill and specialle the cornis presentlie growand upone the grund of the samen lands to be win and schorne upone the expensses of the samen and to remain upone the grund thairof ontransportit in haill or in pairt bayth corne [and] fodder at the instance of the said Alexr and to be mellit & intromettit with be him in caice of nocht payment at the terms foirsaid and that but perrell of law actioun of spoilzie or uther deid of wrang quhilkis actiounes the said Androw Renunes be thir presentis and the saidis cornis being mellit with be the said Alexr in caice of failzie as said is schornē & win be him upone the proper expensses thairof he to pay himself of the reddiest of the saidis cornis and to mak payment to the said Androw of the superplus upone the quhilkis the saids Alexander and Androw tuik act & instrument and thairto the Shreff deput foirsaid Interponit his auchthoritie

J.G. Sreff

### Revocation of Deeds Granted in Minority

(2 June 1612)

The said day compeirit ane nobill and potent Lord Patrick Lord of Lindoris as yit minor and les thane twentie ane yeiris of aig being circumvenit in his les aige be euill aduysit counsell as he is informit to his grypt los hurt and preuidice In fauors of sindrie personis and namelie contrair to his naturall libertie had Interdytit himselff to Wa Erle of Mortoune Robert Lord Lindsay David Lord Skuine Sir Robert Melveing of Murdocarne knicht Johne Lord of Kinklevine Wa Lermonth of Balcomie Mr Alexander King and Mr Robert Lermonth Aduocattis or to ane certane novmber of thame quhairon thei at the leist sune of

## Aberdeenshire Sheriff Court

thame hes raisit our Souerane Lords letteris and as he is informit hes publeischit or intends to publeisch the same to his discrydit and gryt dissavantage And finding him grytumlie preuidicit as said is thairby in speciall and generall utheris his effeiris imprudentlie done as yit of les aige as is aboue writtin be the preuiledge of cowmounne and municipall lawis maid in favors of minors hes revocat and be their presentis of set purpos and deliberat mynd revocis cassis and annullis the said band of interdictiounne and all that hes followit or may follow thairone and generallie revocis all uther and quhatsumewer deids done be him in favors of ony persone or personis at ony tyme bygyne to his hurt and preuidice protesting solemnntlie that he be restorit in integrum thairannent and maid quyt and frie thairof and of all inconvenient that may follow thairone at the hands of the saids personis and all utheris quhome it effeiris and that according to the priueledge of the saids lawis he may haue libertie to call persew and prov[o]ck Judgment Infra annos utiles quhairone the Shref deput fairsaid Interponit his auchthoritie and thairone the said nobill Lord and Mr Robert Paip his procuratour askit Act of Court and Instrumentis

Lundoris

Mr Richard Iruyng  
Shref deput

### Appoíntment of Curator ad Litem

(8 April 1613)

The said day in presens of the Shref Deput fairsaid compeirit personalie George Johnnestoune of that Ilk at quhais desyir the Shref Deput fairsaid gaiwe Mr Robert Paip Aduocat in Abd curatour to the said George ad litem for making and subscriwing of his warningis for removing of his tennentis furth of his landis mylnes & multuris befor the terme of Witsonday nixt to cum and for obtening of Decreitis of Removing agains thaim furth and fra the saidis landis and mylnes and the said Mr Robert being present gawe his aithe de fideli administratione de acceptatione of office and fand William Craig Rothiesie Herrald cautioner to that effect quhome the said Mr Robert obleist him to releiwe and thairunto the Shref Deput fairsaid interponit his auchthoritie and thairon the saidis George Mr Robert and William askit & tuik act & Instrument.

George Jhonstoun  
of yt ilk

Mr Richard Iruyng  
Mr Ro paip Curator forsd  
Wllm Craig, Rothesay Heralt

## The Decree Books: Vol. II., 1617-18

The earliest legible date is 15 January, 1617, and the last 28 March, 1618. The pages number 228 and although the original fly leaves no longer exist the remainder of the volume, as we have it, is beautifully written and perfectly preserved.

Although it has been titled "Decreit Book," and probably contains all the Decrees for the period which it covers, it is really a Court Diet Book, inasmuch as Interlocutory orders are recorded in it. There are also one or two entries of a non-litigious description. The high quality of the penmanship and the entire absence of corrections or alterations go to show that the entries were not actually made by the writers in Court, but are a clean and careful transcript of the business, subsequently made.

An attempt has been made to notice at least once every case which occurs in the volume while avoiding unnecessary duplication or repetition.

## Table of Contents of Vol. II. of Decree Books.

1617.  
Jan.

**Decree of Wrongous Intromission.** Alexander Stevinsone, Tailor in Aberdeen, Margaret Stevinsone, his sister, and Andrew Bedie in Old Aberdeen, her husband, for his interest *v.* Gilbert Stevinsone in Ogstoune. Decree passed for 16 bolls of great oats at 53/4 per boll, 12 bolls of beir at £4 per boll, 2 bolls 2 firlots of malt at £5 per boll. The Defender was said to have intromitted with the grain and malt which belonged to the Pursuers in 1594, and the prices seem to have been those of the crop of that year. Decree also for £3 of expenses.

**Action for Rent. Reference to Oath. Absolvitor.** Ronald Chessour, burgess of Aberdeen, *v.* Alexander Birnie in Owerhill. The Pursuer had right by gift and disposition to the escheat, goods, gear and debts of the late Patrick Braklay, to whom the Defender was alleged to have promised to pay £10 for his "Cott land sawing and grothe" in the Mains of Kellie, crop 1616. On a reference to his oath, the Defender denied the promise and indebtedness and was assolizied.

15. **Decree of Liquidation.** John Leythe of Quhythauche *v.* James Irving in Beildsyd. £6 was fixed as the price of each boll of 12 bolls of meal for the rent of the "Haltoune and Landis of Gairdyne," belonging to the Pursuer, in the parish of Peterculter, crop and year 1614.

Nature of Action not disclosed. John Selbie in Gairdyne *v.* Alexander Duncane and John Tailzeour in Finnerisie and John Quhytheid in . The Defenders did not appear and the case was admitted to the Pursuer's probation, but is not mentioned again.

**Decree for Trespass by Cattle.** Patrick Cruickshank in Ardiffrie *v.* William Ronald, Gilbert Blak and Alexander Barrie, all in Ardiffrie, and Mr. David Rattray, Minister at Cruden. The Defenders were sued for payment equally among them of the value of a chaldre of oats, at £6 per boll, said to have been eaten by their nolt, sheep and horses in "tua tachte fauldis" in 1614. The three Defenders first named appeared and on oath Ronald admitted 6 pecks at £4 per boll and Blak 2 pecks which they were ordained to pay with 6/8 of expenses each. Barrie denied all liability and was assolizied, while the Minister, who did not appear, was ordered to be summoned of new.

**Action for Payment. Absolvitor.** Janet Duncan, widow of Abraham Forbes of Blaktoune, and George Gordoune of Coclairachie *v.* Patrick Irving, Messenger, in Carnebadie. The allegation here was that Irving recovered from Robert Fraser of Durris, to whom he had given a charge of payment at the instance of the Pursuers, £12. On a reference to his oath he admitted having received from Fraser "ane doubill angell"; but qualified the admission in such a way as to be assolizied.



## Decree Books : Vol. II., Contents

1617.

Jany. 15. **Action for Payment.** Mr. Alexander Irving, advocate, *v.* Andrew Hervie of Elrick. This was a diet of proof. The Pursuer having produced an obligation by the Defender, dated 20 February, 1608, renounced all further probation except the Defender's oath of calumny.

**Action of Spuilzie.** William Forbes in Edirlick *v.* Patrick Leyth of Licklieheid. The Pursuer deponed that the spoliation extended to 60 bolls of oats with the fodder, of which 14 bolls were great oats, and 10 bolls beir with the fodder. He priced the great oats at 8 merks 6/8 per boll, the small oats at £4 and the beir at £10. Decree was pronounced on 1 February for 12 bolls great oats at the above price and for 10 bolls beir at £8 with £3 of expenses of process.

Nature of Actions not disclosed. John Glennie in Mekill Endovie *v.* Elspet Cowper there. In the absence of the Defender the action was admitted to the Pursuer's probation.

John Fraser of Clintertie *v.* Duncan Blakhall. Mr. William Barclay, procurator for the Pursuer, produced replies to the defences, and the Sheriff assigned 22 January instant to pronounce Interlocutor, but no further entry has been found.

17. Alexr. Fraser, portioner of Kindrocht, *v.* James Wilsone in Kindrocht. In absence of the Defender the Pursuer's libel was admitted to his probation.

22. Helen Hendersonc, Gilbert and Marjorie Wastland, children of the late David Wastland in Tirriewail *v.* Wm. Thomsons in Tirriewail, Alexr. Angous in Locheheid, Alexr. and James Gordoune in Aucheloch. None of the Defenders except Angous appeared or were represented, and as against them the Pursuer was allowed a proof. The Interlocutor allowing Angous to lodge defences was in these terms "to quhome the Shref assignit the twentie fourt of this instant to that effect *visa petitione*." No further mention of the case has been found.

**Summons of Wakening.** Alexr. Chalmer, younger, burgess of Abd. *v.* Thomas Galloway in . Action wakened and continued to 29 January for interlocutor but did not appear then or afterwards.

Nature of Action not disclosed. James Donald *v.* Gilbert Ritchie in Mains of Foverane. This day having been assigned for lodging defences and none being forthcoming, the term was c'rcumduced and the case disappears.

**Action of Spuilzie.** John Mitschell in Drumnagowan *v.* John Forbes in Cushnie. Subject matter not stated. The Defender did not appear and the libel was "in penam contumacie" admitted to the Pursuer's probation. The Pursuer had a diet of proof on 19 March, to which the Defender was cited and did not appear and the same order was repeated.

Feb. 1. Nature of Action not disclosed. James Gordoune in Abd. *v.* George Blakhall in Drymmeis. Defences lodged but no subsequent entry found.

## Aberdeenshire Sheriff Court :

1617.  
Feb. 1.

**Decree of Payment.** Alexander Low, Cordoner in Abd. *v.* David Lyoune in Ardoes of Balhelvie. The sum of £6 was asked, for which the Defender was cautioner for Andrew Bedie also in Ardo, together with 13/4 of expenses. The Defender not appearing, the Pursuer deponed "that the said Dauid restit him the said sowme" and obtained decree.

**Decree for Wrongous Intromission.** John Williamsone, burges of Abd. *v.* Duncan Blakhall in Clerkseit, James Brabner and Alexr. Blak, Maltmen, burgesses of Abd., Wm. Lowsone, Patrick Jak, Alexr. Kempt, Patrick Gray, Mr. William Moir "ane maister of the College Mershall." Mr. Robert Paip appeared for all the Defenders, both principals and "pairteis admittit for thair entres" and passed from the whole defences [probably dilatory defences], upon which the libel was admitted to the Pursuer's probation. On 19 March at a first diet of proof three witnesses were examined regarding the quantity of beir intromitted with. At the second diet on March 26 three witnesses were examined. At a third diet on July 2 a large number of productions were lodged by way of proof. Decree on July 30. [*Infra* p. 222.]

**Decree of Removing.** Thomas Murray, burges of Abd. *v.* Thomas Moir in the Mains of Culter, Richard Troup there, Richard Mershall there, John Mershall there, Alexander Cuming there, and John Mylne in Insche of Culter. The Pursuer was heritable proprietor of "the salmond fisching of the water of Die callit the salmond fisching of the barronie of Murthill lyand within the parochines of Banchorie Devnik and Peterculter respective," of which the Defenders were said to have been in violent and masterful occupation since the "feist and terme of Andersmes" 1616. The Pursuer's Sasine was dated 5 August 1607. Notary Mr. Arthur Watt.

5. **Action of Removing.** George Strathauchine of Glithno *v.* William Clerk in Petmedden. The lands are not specially mentioned ; but there was produced for the Pursuer an Instrument of Sasine of date 9 December 1613. Notary John Donaldsoun. The Sheriff assigned February 12 for lodging defences. Various subsequent entries have been found, but no decision.

**Decree for Payment.** George Frensche, Cordoner, burges of Abd. *v.* James Paull in Auchinclache, James Strathauchin in Kirktown of Skene, Alexr. Kennedie in Frosterhill, Alexr. Paull in Bilbo. Decree passed against James Paull for £4 for leather. Against Strathauchin for 40/- for leather, Kennedie 5 merks and 6d. for leather and 6/- for two loads of peats, and Alexr. Paull 16 merks and 8d. for leather with 5/- each for expenses of plea.

**Decree of Forthcoming.** Wm. Cruikshank in Meikill Warthill *v.* Isobell Dune, widow of James Thomsonsone in Lumfuir. By a decree arbitral registered "in the buikis of this present Auditorie" on 11 December 1617, John Couper in Auldrcraig, as taking burden on him for his brother, William Couper, was ordained to pay to the Pursuer £60. The Defender, Mrs. Thomsonsone, was due 100 merks to John Couper, which had been arrested by Cruikshank. Decree of forthcoming for £60 was now pronounced with 20/- of expenses.

## Decree Books: Vol. II., Contents

1617.

- Feb. 12. Nature of Actions not disclosed. Robert Cassie, Cordoner in Abd. v. Alexr. Irving of Waster Collairlie, Alexr. Jamesone, Tailzeour in Aberdeen and Marjorie Fergusson. Defences were lodged by Jamesone and Fergusson, but not by Irving. As against the last named the term was circumduced, but the case does not appear again.

Alexr. Fraser of New Forrest v. Magnus Smith in Denend. Fraser sued as Assignee of Margaret Hay, who was the widow of Mr. Michael Fraser of Techmuir. An Interlocutor was pronounced on June 25, in which the consignation of 40/- was made a condition precedent to the defender leading proof of improbation.

**Decree for Payment.** Patrick Mengzeis, burgess of Abd. v. George Broune in Mure of Rynie, George Philp at the Tempill of Chrystis Kirk and James Adame in Dumoyes. Merchandise. Decree against Broune for £8, against Philp for 16 merks, and against Adame for £24, with 13/4 each for expenses. The record bears that the Defenders had been summoned to appear that day and often before to give their oaths of verity with certification *pro confesso*.

**Decree for Payment.** Matthew Robertstone, burgess of Aberdeen v. Patrick Gray in Johnestoun. Decree for 25 merks 5/- of money with 13/4 for expenses.

**Decree for Payment.** John Pettindreiche at the Ower Mylne of Crowden v. William Hantoun in Southesses. Decree for 5 firlots of oats at £6 p. boll, 5 firlots of beir at £8 p. boll, with 20/- for expenses.

Nature of Action not disclosed. John Stewart in Kincairgie v. Andrew Mitchell there. Continued to 19 February for Interlocutor, but no further entry found.

**Decree for Payment.** William Touche in Findlatrie and Elspet Forbes, his wife v. James Forbes in Ardlar, father of the female pursuer. The Pursuers were married in July 1613. The Defender promised 200 merks with his daughter "in dott and tocher" which he had not paid. Elspet left three ewes belonging to her in her father's keeping at the time of the marriage, which he retained. This decree was for payment of the 200 merks and of 43/4 for each ewe with 20/- for expenses. Claims for interest on the money and the "excescent profits" of the ewes were departed from.

19. Nature of Action not disclosed. John Gareoch in Badevin v. Wm. Gillespie in Meikill Endovie. Along with the summons the Petitioner's procurator produced a petition and for instructing thereof an Assignment and Intimation "quhillk was instantlie taken up be the producer." The case disappears without a final judgment.

**Decree for Payment.** Ronald Chessour, burgess of Abd. v. James Scot in Inverourie and John Fergus there. The Pursuer had the gift of the escheat of one Alexander Gawan, deceased, to whom Scot owed 40/- and Fergus 24/- of "borrowit siluer," for which decree was now given against them, with 3/4 each for expenses.

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1617.

Feb. 26. Nature of Actions not disclosed. Andrew King, Advocate [in Aberdeen] *v.* John Yuill, sometime in Murthill, Alexr. Craig in Auldfauld, and Andrew Craig in Nether Murthill. At the first calling on February 5, an Act of the Commissariat of Aberdeen was produced by the Pursuer. Case does not appear after March 5, when there was circumduction on account of the failure of the Defender to lodge eiks.

Patrick Ramsay, Tailzeour, servitor to John Leslie of Balquhane *v.* Andrew Touche in Brigend of Knokandochie. This case was first called on February 1, and after defences and replies had been lodged, the present diet was fixed for the giving in of eiks by the Defender. He failed to do so, the term was circumduced, and no farther entry has been found.

Magnus Mowat of Bolquhollic, John Moncur of Slains and Mr. Alexr. Irving, Advocate *v.* Alexander Skcine of Culquhorsie. At this diet replies by the Pursuer to the eiks to the defences were handed in, and the Sheriff assigned March 5 to pronounce interlocutor, but no farther entry has been found until 4 March, 1618, near the end of the volume, when the cause was awakened.

James Smyth in Elrick *v.* John Gareoch in Badevin and James Gareoch his son. After a couple of enrolments, this case disappeared.

James Leslie at the Mylne of Warthill *v.* John Leslie of Wardes and Robert Glenly in Brigend. After defences were lodged, the case dropped out of the roll.

March 5. John Lytilljohne in Kearden, Takisman of the tua pairt of the toune and landis of Cragmylne and fermorar thairof *v.* Hector Davidsone in Pettodrie. Defences ordered on March 12. On June 4 the defences were repelled and proof allowed.

James Walker in Peterheid *v.* George Gardyne in Conzeack. This case was set down to have a diet fixed for proof of the Defender's peremptory exceptions, which ought to have been adduced on 3 July, 1616. March 19 was fixed for the purpose. On April 12 there was produced by the Defender a tack of the "half tua pairt landis of Thundertoune," dated 23 March 1611.

**Decree of Wrongous Intromission.** Alexr. Murray, burgess of Abd. *v.* Alexr. Symmer in Boddumes. The Defender was said to have "melled and intromettit" with grain bought by Pursuer from Andrew Cargill in Boddumes; but was assolizied by virtue of his oath from all, except some 30/- worth, for which, with 6/8 for expenses, there was decree.

**Action of Spuilzie.** George Chalmer of Balbithen and George Crichtoune of Bailliestoune, his factor and chamberlain *v.* Henry Ray in Petcapill. 12 March assigned for defences, which were lodged, but no entry has been found after 12 April.

12. Nature of Action not disclosed. Patrick Leyth of Licklieheid *v.* Walter Idill in Auchlyne. In respect of failure to lodge eiks to the defences, the Sheriff granted circumduction. Admitted to Pursuer's probation on 12 April.



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1617.

March 12. **Decree of Wrongous Intromission.** Donald Andersone in Kintoir v. Stephen Mackie at the Mylne of Kyntoir. Decree for a load of meal crop 1604, estimated at six firlots, price per boll 12 merks. One boll of malt crop 1612, price £10. Expenses of action 40/-

19. Nature of Action not disclosed. Thomas Gordone of Grandome v. Wm. Daniell in Auchrathe. The pursuer sued as Assignee of one William Allanache and Beatrix Russel, his wife. The Court fixed 26 March for pronouncing Interlocutor, when all the defences and eiks were repelled and the libel admitted to the Pursuer's probation.

**Action for Rents.** John Gordoune of Petlurge v. James Cheyne in Elrick. Continued to next day for replies to the defences. After many diets there is an important entry on 1 Octr., when the Defender cited the Pursuer, Gilbert Johnestoune of Peddeismylne, Mr. Geo. Hervie, Notary, John Duncane in the Mains of Stralochie and John Gordoune of Chappeloune. To the diet on October 31 there were summoned as witnesses, in addition to the foregoing, Mr. Robert Gordoune of Fechill, who was admitted and sworn, Wm. Gordoune at the Mylne of Stralochie, "quha was repellit in respect of affinitie than rakint at the bar," Johne Johnestoun in Owertoun and George Gordoune in Brunthill, objections to whom were taken to avizandum. Case not mentioned after 12 November.

Nature of Actions not disclosed. Alexr. Craufuird, portioner of Raithen, as Assignee of George Craufuird of Annochie v. John Low in Auchnagat. Objections were given in against the productions and replies ordered on 26 March.

Mr. Wm. Gordone of Carnefeld v. Mr. Alexr. Innes of Danistoune. Letters of Advocacion presented stopping case until the last day of March.

**Action of Damages.** Hector Danidsone in Pettodrie v. John Lyttilljohnne sometime in Cragmylne then in Kearden. The Pursuer sued for £100 "for the interest to be sustenit be the said persewar in nocht maintainning of the biging of the rowme of Cragmyll." Defences to be lodged on 26 March.

**Decree for Payment of Borrowed Money.** Isobell Hervie, widow of James Thomsone, Flesher in Abd. v. Janet Williamsone in Petmuckstoune. £4. 6. 8 of borrowed silver sued for. The Defender had been personally summoned but did not appear. The claim was then referred to the Pursuer's oath. The result was a decree with 6/8 of expenses.

**Decree in Supplement. Damages.** Mr. John Leythe of Blairtoune, Commissary of Abd. v. George Gardyne in Westburne. This was a decree in supplement of a decree of the Court of the lands of Blairtoane, held on 16 November, 1614, by which the Defender along with Andrew Davidsone in Blairtoune was found liable of his own consent to put the Mill of Blairtoune in repair under the penalty of £40 to be paid equally between them. By this decree Gardyne, who had left the laird of Blairtoune's lands and jurisdiction, was ordained to pay £20, being his half of the penalty, for failure to repair the Mill.

## Aberdeenshire Sheriff Court :

1617.

March 20.

Nature of Action not disclosed. Mr. William Chalmer, portioner of Waster Fintray *v.* Andrew Daudson in Middill Disblair. Various interlocutory entries are found previous to July 31 when the Defender was allowed a proof prout de jure of his last defence and eik, all the other defences being repelled. The Sheriff changed his mind, however, at a later stage. (*Vide* 3 Dec. *infra*.)

**Decree for Wrongous Intromission.** William Barnet, Tailor, burghess of Abd. *v.* Andrew Andersone in Petmuckstoune. Three ewes belonging to the Pursuer and marked with his mark were being pastured on the possession of James Alschioner in Rubislaw when the Defender took them. The Defender was ordained to restore them or pay 40/- for each with 16/- of expenses. The value asked by the Pursuer for each ewe was £4.

**Action of Improbation.** The Procurator Fiscal and Andrew Hervie elder of Elick, and others *v.* George Currou of Swailend. An action at the instance of Currou against the Hervies was pending at this time (*vide infra* 29 March) and approaching decision. This action to improve (disprove) the execution of the summons in the pending cause was apparently raised by way of a desperate attempt to stave off a judgment in the principal cause. It was not successful.

26. Nature of Actions not disclosed. Harie Gordoune in Haddo *v.* John Gordoune of Tillielt. Interlocutor to be pronounced on the following day; but no farther entry found.

George Annand, lawful son of Mr. William Annand of Collihill *v.* James Setone of Petmedden, Janet Setoun, widow of Mr. Wm. Annand of Collihill, and Arthur Chalmer in Abd., her husband, for his interest, and George Chalmer of Balbithen, admitted for his interest. This diet has been fixed for the Sheriff to pronounce interlocutor upon an exception proponed by George Chalmer of Balbithen: but the Sheriff refused to admit it because Mr. Arthur Watt, procurator of George Chalmer "refuisit to giwe his aithe that he haid informatione of the said George Chalmer to propone the samien or that he believit his informatione was trew." The defences were also repelled and proof allowed. At the first diet of proof on 12 April, it was proved that the Pursuer was born in December 1614, and was therefore of age. The question of whether the lands of Lochtullocke had been redeemed or not was also the subject of evidence.

**Decree of Wrongous Intromission.** Alexander Mowtray in Auld Abd., Assignee of Robt. Skeine, burghess of Abd. *v.* William Galloway, Cordoner in Abd. The Defender was ordained to deliver to the Pursuer "tua sufficient new glassin wundowis of new glass of compas wark of fourtie four futes pryce of the fute sex schillingis" or to pay 6/- per foot for the glass. The Pursuer claimed £4 "for penting of the defenderis storme wundowis and peit steanis of his hous conforme to the valour of the oylis and warkmanship in performing thair of." Instead of £4 there was allowed for this 33/4. The expenses were fixed at 26/8.

## Decree Books: Vol. II., Contents

1617.  
March 29.

**Decree of Wrongous Intromission.** George Currou of Swailend in Saint Machar *v.* Andrew Hervie, elder of Elrick, James and Andrew Hervie, his sons. As proprietor of Swailend the Pursuer claimed a holding sometime occupied by one James Donald, then in Monycabak and the crop thereon, which for farther security he arrested. The Harveys took possession of the crop, but after considerable litigation were found to be wrong. The Pursuer stated the crop at 120 bolls oats and 40 bolls beir. The mode of estimating the quantity was "Ilk thrie thrawis' aittis estimat to ane boll corne Ilk four thrawes beir estimat to ane boll beir . . . Inde auchtein scoir thrawis aittis with the fodder." Price of oats stated at £6 of beir £8 per boll. The Pursuer had to be content with a decree for 36 bolls of "brokit corne" with the fodder, at 5 merks per boll, and 4 bolls beir with the fodder, at 8 merks. Expenses £5.

Nature of Action not disclosed. Wm. Reid in Pettindreiche *v.* George Gordone in Tillinessill. The last day of April assigned for defences. On June 25 the term of lodging eiks to the defences was circumduced. On November 12 the defences were repelled except the defence of Improbation.

**Action of Spuilzie.** Walter Ortoune in Auld Abd. *v.* John Touche, elder, burgess of Abd. The last day of April assigned for defences. After various procedure appearance was withdrawn for Defender on 31 Octr. At a first diet of proof on 12 Novr., Wm. Watt, Notary, and Wm. Garioche, officer, were examined for Pursuer, but no farther entry has been found.

Nature of Action not disclosed. James Hervie of Elrick, Assignee of Andrew Hervie, his son, *v.* Mr. Wm. Leslie of Siveildie. Defender passed from his appearance and libel admitted to the Pursuer's probation. Decree on 30 July.

**Action of Mill Multures.** Alexander Gordoune at Kethokismylne *v.* Patrick Leyth in Balgonie. Defences to be lodged on 4 June, which was done. After all the written pleadings had been lodged, the Sheriff on 9 July fixed 16 July to pronounce Interlocutor, but no farther entry has been found.

Nature of Actions not disclosed. George Chalmer, younger, burgess of Abd. *v.* Duncan Blakhall in Clerkseit. The Pursuer's Procurator produced letters of Inhibition and executions thereof. Various procedure ensued, but the case was not on the roll after 9 July.

Robert Moreis in Cremond *v.* Magnus Gellan in                      and John Frost there. Defences to be lodged on 4 June. Ultimately the time for lodging eiks to the defences was circumduced on 23 July.

**Decree for Violent Profits.** John Gordoune of Auchindoir *v.* Robert Gordoun at the Mylne of Auchindoir. The Defender had been in wrongous occupation of the Mill, mill lands and a croft called Blakhillok since Whitsunday 1615. The value of the grazing of 10 oxen, 6 cows, 6 horses, 60 yeild nolt and 120 sheep and lambs was sued for but not allowed. The multures, knaveships and sequels of the mill were also sued for and allowed: but while there was claimed for these 6 firlots of victual half meal half malt every 24 hours at £8 per boll, the amount decerned for has been unfortunately left blank. Expenses 5 merks. The defences had been withdrawn, and proof allowed so far back as 26 July 1616.

1. A thrawe or threave seems to have consisted of 24 sheaves.

## Aberdeenshire Sheriff Court :

1617.

March 29.

**Action of Spuilzie.** Mr. James Leask, Minister of Cuschnie *v.* John Thomsone in Kirktoone of Awfuir, John Calder there and Alexr. Coupar in Argethin. Subject of Spuilzie not mentioned. On 30 July the defences were repelled, and the case remitted to the Pursuer's probation. On 31 Octr. there were examined as witnesses, John Reid in Brydiswall, John Robertsone in Knokriauche, William Clerk in Kirktoone of Cuschnie and Robert Morigin in Belnakellie. The Defender desired the Pursuer's oath of calumny, which he gave.

**Decree for Payment of Borrowed Money, etc.** John Andersone, Cordonier in Abd. *v.* Duncan Forest in Petfour, Alexr. Murray there and Robert Andersone there. Decree against all Defenders conjunctly and severally for 16 merks of "borrowit siluer," and also against Forest for 18/- for a pair of shoes. Expenses decerned for 40/-.

**Decree for Payment of Annuity.** Mr. Alexr. Irving, Advocate [in Aberdeen] *v.* Andrew Hervey of Elrick. By Letters of Obligation dated 4 February 1608, Hervey had bound himself to pay Irving £10 per annum from Whitsunday 1608 during the latter's life. Nothing had been paid, and decree was asked both for the past due and future payments. This was granted for what was past due; but the Defender was assolizied *pro loco et tempore* from the other conclusion, without prejudice to the Pursuer to sue for the future payments "as accordis of the law."

June 4. Nature of Action not disclosed. John Cruikshank in Kintoir *v.* Henry Smart there. Defences and eiks repelled, and libel admitted to Pursuer's probation.

18. **Action of Deforcement.** Mr. Wm. Barclay, Procurator Fiscal, and James Wilsone in Balhenie, sometime in Towburne, for his interest *v.* Alex. Wilsone in Cowdrain and Alexr. Gordoune of Blelok. Defences lodged. Replies to be put in on June 25. No entry found after 16 July, when the Pursuer's replies to the Defenders' eiks were lodged.

Nature of Actions not disclosed. John Andersone in Kintoir *v.* William Makie in Tofthillis. Replies to defences to be lodged on June 25, but this is the only entry found.

George Michie in Wedderburne *v.* Robert Horne in Beigishill. Replies to defences to be lodged on June 25. The term for lodging Eiks to the defences was circumduced on 9 July.

Marjorie Mengzeis, widow of Mr. Gilbert Gray, Principal of the New College of Abd. *v.* John Wallace in Beildsyde. Defences to be lodged on June 25, which was done, after which no entry found.

**Decree of Removing.** Mr. Wm. Ray, Advocate in Abd. *v.* John Hervie, Robert Chalmer, Henry Ray and Thomas Mackie, all tenants in Wester Fintray. The Pursuer, produced Sasine of the lands dated 3 July, 1616. Notary John Leslie.

19. **Decree of Removing.** Wm. Udnie of that Ilk, Donator to the liferent and escheat of John Gordoune of Newtoun *v.* George Schand in Newtoun of Wranghame in Culsalmond. The Pursuer produced a Charter and an Act of the Court of the Barony of Newtoun held within the [?] woman house thereof on 27 May, 1617, bearing that Defender had agreed voluntarily to remove from the plough of land called Brokiesyd.



## Decree Books : Vol. II., Contents

1617.  
June 20. **Decree of Removing.** Gilbert Baird of Auchmodden *v.* Charles Kennert in Bottinkairne of Auchmunzeall. The Defender was ordained to remove from eight oxengait of Netherhill of Auchmunzeall in the parish of Dece. Sasine dated 20 June, 1594. Notary the late John Symsonc.

**Action of Removing.** William King, son of the late William King in Dumbreck, with consent of John Bruce of Grayas-Fortric and James Johnestoun of Isakstoun, his curator *v.* Mr. James Ord of Dumbreck and John Walker in Ailhou of Dumbreck. The Defenders were sought to be removed from the sunny half of Ailhou of Dumbreck, in the parish of Udny, of which the Pursuer was stated to be heritable proprietor (probably in wadset). There was produced a sasine of date 29 January, 1617. Notary Andrew Cruickshank. This case was advocated on 23 July.

25. **Action of Spuilzie. Absolvitor.** Troyalus Knight in Fraserisburgh *v.* Patrick and Alexander Crowdane in Kinglasser. The Defenders were charged with 4 tethers at 2/- each, said to have been cut by them and their servants from the Pursuer's horses. Three plaids at £4 each taken from the Pursuer's herds. Alexander was said to be due 20/- of borrowed silver and for drink. Patrick 18/- for borrowed silver and drink, a peck of meal 10/-, 3 bolls of corn eaten by a foal in 1615 at £4 per boll and a boll of calf corn eaten in 1616 at 5 merks per boll. On a reference to their oaths the Defenders "denyit the hail contentis of the said petitione" and were assoilized.

**Decree of Removing.** Robert Keythe of Aulmad *v.* Gilbert Keythe in Mains of Ardmacher. The "sone pleuche of the Mains of Ardmacher" in the parish of Dece. Sasine produced dated 7 December, 1610. Notary the late William Jak.

**Decree of Removing.** John Forbes of Brux *v.* James Mowatt in Mains of Muresk. The "sone east pleuche of the Mains of Muresk," in the parish of Turriff. Pursuer's Sasine dated 26 September, 1607. Notary the late William Ogstounc.

**Action of Removing.** Thomas Murray, burgess of Abd. *v.* William Austein at Mylne of Murthill. The "equall half of the Mylne of Murthill, croftis, Mylne land housis," &c., "in the parochins of Peterculter and Banchorie Devenik." Pursuer's Sasine dated 5 August, 1607. Notary Mr. Arthur Watt.

- July 2. Nature of Actions not disclosed. Procurator Fiscal and Adam Fraser of Finzeache for his interest *v.* Alexander Shref and John Copland. Only this and two or three formal interlocutors have been found.

John Richie in Torryleith *v.* James Symmer at the Mylne of Gawell. In absence of the Defender summons admitted to the Pursuer's probation.

**Decree of Removing.** Isobell Forbes, Lady Balbegnocht *v.* Patrick or Peter Dickie in Ailhou of Kinmundie. The Pursuer was liferentrix of the croft called "the Ailhou Croft of Kinmundie" in the parish of Peterhead in virtue of Sasine produced, but of which the date is not given. Notary Alexander Youngsone.

## Aberdeenshire Sheriff Court :

1617.  
 July. 2. **Decree for Damages. Pig-sticking.** Allaster Andersone in Rippachie v. Duncan Narne in Knoksoull, James Makmay in Kinnadie, John Lowrance in Cottertoun of Pettalachie, Duncan Smyth in Knoksoul, John Ker, elder and younger there, Thomas Makmei there and Alexr. Cuik there. The Defenders were charged with "the wrangous slaying and stiking of tua suyne and ane sow" belonging to the Pursuer in August 1616, and were found liable. The value put upon each animal by the Pursuer was £10, in addition to the "excescent profits" of the female, which, according to the theory of the Pursuer, would have produced in the interim three litters, each litter numbering 18 gryces [sucking pigs]. The Sheriff Depute, after hearing proof, allowed 30 merks for the three "stikit" pigs with 40/- of expenses, ignoring altogether the progeny which might have been.

**Action for Payment of Malt.** Wm. Forbes in Kynmundie v. George Calder and Margaret Mitschell, his wife, in Kingiswallis, James Auldmeill, Isobell Sang in Schethokisleye, Wm. Porter in Foulertoun and Wm. Wagrell, in Taittie. On behalf of a'll the Defenders, except Auldmeill, an opportunity was asked to lodge defences, but upon July 23 there was a decree against Calder to pay two firlots of "rin met malt" price 5 merks 6/8d., and Auldmeill three firlots malt price 8 merks 4/4d., with 6/8d. each for expenses.

July 9. **Decree of Transferring.** George Johnnestoune, burgess of Abd. v. George Johnnestoune of that Ilk, as heir to his father John Johnnestoune of that Ilk. By this decree the obligations contained in a Discharge and Bond of Warrandice granted on February 2, 1610, by John Johnnestoune of that Ilk and Caskieben in favor of the Pursuer were transferred *passive* in the person of the Defender, as heir served to his father. The circumstances under which the deed was granted are stated at great length in the Bond, which is engrossed verbatim in the Decree. The following is a summary :—Thomas Johnnestoune, burgess of Abd., uncle of the Pursuer, sold the lands of Middiltoune of Disblair, Toux, Ordeis, Suttetoune and Bruntlandwaird, in the Regality of Lindores and Barony and Parish of Fintray, to John Johnnestoune, the Defender's father, with clause of absolute warrandice ; but Helen Arbuthnot, widow of John Leslie in Boggis and wife of John Gordoune of Tilligrig, claimed to be liferentrix of the shadow fourth part of Middiltoune of Disblair, as conjunct fiar with John Leslie, her first husband, in virtue of a conveyance from the late Archibald Wod, of earlier date than Wod's disposition to Thomas Johnnestoune. Helen Arbuthnot, now Gordoune, raised actions in the Court of Session against both George Johnnestoune, as heir to his uncle Thomas, and John Johnnestoune of that Ilk, for payment of the rents for the period since her first husband John Leslie's death in 1590. The rents and services were stated to be "tua chalders victuall tua pairt meill and third pairt beir ane dossone of cappones ane dossone of pultrie ane weddir ane lamb." Owing to the "mediatione and intercessione of certane my weill effected freindis" and in consideration of a payment of 800 merks, the late John Johnnestoune had discharged and relieved the Pursuer, George Johnnestoune, of these Court of Session actions and took the whole burden on himself and his heirs. Among the witnesses to the deed were Robert Johnnestoune of Crimond, Gilbert Johnnestoune of Taweltie and Mr. Robert Davidstone, Advocate, in Abd.

## Decree Books: Vol. II., Contents

1617.

July 16. Nature of Action not disclosed. William Setoune of Blair *v.* Andrew Peirie in Auldounleyis. Replies to defences ordered for 23 July but case is not mentioned after 30 July.

**Decree for Payment of Borrowed Money.** Alexr. Young in Kinmondie *v.* Gilbert Ronaldsone in Blakhillis, John Middiltoune in Echt, Wm. and James Phannes in Auchlie, Patrick Davidsonsone in Kingiswallis, John Symesone there and John Smythe there. Ronaldsone appeared and admitted being due 40 merks of borrowed money. Middiltoune admitted a debt of £22 for sheep bought from the Pursuer. The other Defenders did not appear but were found liable as follows :—James Phannes 6 merks borrowed silver. Wm. Phannes 5 merks for a ewe and 5 merks for a wedder. Davidsonsone £40 borrowed three years previously. Symesone 20 merks the price of nolt and Smythe £10 borrowed two years before. Expenses 10/- each.

**Decree for Payment of Butter.** Janet Duncan, widow of Abraham Forbes of Blaktoune *v.* Alexr. Burnet, burgess of Abd. as cautioner for Andrew Hay, skipper, in Peterheid. 21 stones of butter at 5 merks per stone with £3 for expenses, conform to a decree obtained against the principal debtor with 20/- of expenses in this action.

**Decree of Removing.** John Hay of Cremondmogat *v.* Isobell Fraser, widow of Thomas Smyth in Cremondmogat, and John and Walter Smyth, her sons. Eight oxengait of the lands of Nethertoune of Cremondmogat, in the parishes of Cremond and Lonmay. A Sasine was produced but no date or Notary mentioned.

**Action of Spuilzie.** Francis Chrystisone in Aulmad *v.* Robert Lowrence there. The Defender did not appear, and the Sheriff Depute admitted the libel to the Pursuer's probation.

**Decree of Removing.** John Urrie, heritable proprietor of the subjects *v.* Wm. Johnestoune, elder, in Innerurie. Two and one half "ruiddis" of land on the east side of the Burgh of Innerurie. A Sasine was produced but no particulars of it given.

**Decree for Payment. Abstracted Multures.** Andrew Ogstoune, Takisman of the Milne of Crichtie *v.* Wm. Legartwod, sometime in Kinadie then in Annachie. A certain amount of meal for abstracted multures in the years 1610, 11, 12, 13, 14, 15 and 16 at £6 per boll with 13/4 of expenses.

22. **Action for Rent.** Andrew Watsonsone in Auchlie *v.* James Davidsonsone there. Defences to be lodged on July 24. On July 31 all the defences and eiks were repelled except the last defence, of which the Defender was allowed a proof *prout de jure*. After various diets had been assigned for proof the term for proving the defence was circunduced on 3 December.

**Decree of Removing.** William, Lord Keith and Altrie, Maister of Merschell and James Walkar in Peterheid *v.* James Davidsonsone in Auchlie. Four oxengait of the lands of Auchlie in the parish of Deir. Walkar's Sasine was produced, dated 19 June, 1615. Notary the late John Arbuthnot. Defences to be lodged on July 24. On July 31 all the defences and eiks were repelled except the last defence and last eik, of which a proof was allowed *per scripta*. On October 1 the Defender referred his defence to the Pursuer's oath of verity but this was disallowed, the proof allowed being *per scripta tantum*. Decree of Removing was pronounced on October 31.

## Aberdeenshire Sheriff Court :

1617.

July 23. Nature of Action not disclosed. Mr. Patrick Cheyne in Ellone *v.* Alexr. Follay [*in Arnage*]. Defences on 30 July. Last entry on 1 October.

**Decree of Removing.** Wm. Irving of Murthill *v.* Alexr. Moreis sometime in Auldfauldis of Murthill thereafter in Kennertie. The shadow four oxengait lands of the shadow plough of the town and lands of Auldfauldis of Murthill in the parishes of "Petirculter and Banchorie Devinnik." The Pursuer's Sasine was said to be in the hands of John Hunter, Notary and Substitute Clerk of Court.

**Action of Removing.** Wm. Forbes, Fiar of Bairnis *v.* Patrick Leithe of Liklieheid, Patrick Leithe, younger, his son, George Gordoune of Terpersie, John Gordoune in Braidfuird, Robert Leythe in Liklieheid and a number of others. The Defenders were said to have been duly warned before Whitsunday to remove from the "aucht pairt of the toune and landis of Auchlewin" in the parish of Premnay. Pursuer's Sasine, 12 July, 1615. Notary George Barclay. Defences ordered on 30 July, but the end of the case is not reached in this volume.

Nature of Actions not disclosed. Adam Quhytcors at the Mylne of Kinguiddie *v.* Andrew Cuming in Hillok of Auchinhuif. Defences to be lodged on 30 July. This not being done the term was circumduced.

Andrew Walker in Cottoune of Gicht *v.* Wm. Angous in Lethintie. In absence of Defender the Pursuer's petition admitted to his probation.

James Chessour, Girsman in Counteswallis *v.* Wm. Yuill in Hall of Murthill and James Yuill in Newtowne of Murthill. Defences to be lodged on 30 July, but no entry found then or afterwards.

**Decree of Removing.** James Garioche of Kinstair and Mr. James Skeyine of Waster Corss *v.* Margaret Ranie, widow of John Smyth in Meikill Endovie, James Smyth now her husband for his interest, and Thomas Foullartoun in Milne of Badinley. The Defenders were ordained to remove from Meikill Endovie and Mill of Badinley respectively of which there was produced for the Pursuers a Sasine dated 31 May, 1616. Notary William Forbes.

Nature of Action not disclosed. Alexander Cuming, Tailzeour, burgess of Abd. *v.* Margaret Waus, widow of the late in Petfoddellis. July 29 assigned for defences, but no entry then or afterwards.

**Action of Mill Multure.** James Garioche of Kinstair and Mr. James Skeyine of Waster Corss *v.* John Lumisdane of Tillikayrne. The Defender, Lumisdane, maintained that he was astricted to pay only three bolls malt and seven bolls meal to the Pursuer's mill for crop 1616 and offered to do so provided they had right to exact it. The offer was not accepted and defences were ordered for 31 July. The Pursuer's Sasine of the Mill and Multure was produced but no date is given. Decree was pronounced against Lumisdane on 18 March, 1618, for payment to Garioche of the equal half of 3 bolls malt and 7 bolls meal as dry multure, with £5 of expenses. It was found that the Pursuer, Garioche, had a title by disposition from Wm. Forbes of Corsinday.



## Decree Books : Vol. II., Contents

1617.

July 23. **Decree in Supplement. Rent.** Alexander Buchane in Lamermuir *v.* John Lync at the Mill of Litill Drumquhendill. At the Court of the Barony of Little Drumquhendill held within the Manor House on 15 January, 1617, the Defender confessed that there was due to the Pursuer as principal tacksman of the shadow plough of the sunny side of Litill Drumquhendill certain rents for crops 1615 and 1616, and the Act of that Court was now produced for the purpose of obtaining Decree in Supplement, which, in the absence of the Defender, was granted. It appears from the entry that Gilbert Reid was Fiar of Drumquhendill at this time.

25. Nature of Actions not disclosed. Janet Duncane, widow of Abraham Forbes of Blaktoun *v.* John Boigie in Badintuye. In the absence of the Defender the Pursuer's libel was admitted to her probation.

30. James Gordoune in Clat *v.* Alexr. Scherar in Scottis Miln. Defences lodged and answered. After various procedure the case was advocated on December 23.

Duncan Forbes of Auchterkeig *v.* Arthur Urquhart and John Strauchin. Defences lodged. Replies ordered for the following day and lodged then, but no further entry found.

Patrick Hendersone in Pervynneis *v.* Constantine Buchane in Lochchillis. Defences lodged and answered. The term for lodging eiks to the defences was circumduced on 1 October.

**Decree of Removing.** John Leslie of Wardes *v.* Tennants of Innerurie (a large number). The Pursuer's summons styled him "heritabill proprieter of the Dawacht landis and ruiddis" of Innerurie. The date of the Sasine produced was not given.

**Action for Rent.** Wm. Gordoune of Sauchine *v.* Robert Aikine, sometime at the New Milne of Sauchine then in Auchquhathe. The Pursuer sued for payment of 10 merks each for 7 bolls of oats of past due rent. Circumduction of the term for lodging defences was asked and granted on 31 July.

Nature of Actions not disclosed. Alexr. Crudane in Kinboig *v.* Troyalus Knight sometime in Kinglasser then in Frascrburgh. Defences ordered for next day and then lodged, but no further entry.

John Wilsone in Kinmondie *v.* Patrick Forbes in Fynnersic. The term for lodging eiks by the Defender was circumduced on 1 October.

**Decree for Payment.** John Andersone, Cordinar, burgess of Abd. *v.* Alexr. Andersone, son of the late Gawyne Andersone. Decree passed in absence for £5 10/- of borrowed silver with 10/- of expenses.

Nature of Action not disclosed. Lillias Craufurd, Liferentrix of Craigiehill *v.* Alexr. Bowman, Andrew Kid and William Wilsone all in Elrik. In absence of the Defenders the Pursuer's petition was admitted to her probation. In an entry on 31 October the Pursuer is designed "relict of Umqll Robert Innes in Meikill Elrick."

## Aberdeenshire Sheriff Court :

1617.  
July 30.

**Action for Breach of Contract. Absolvitor.** John Ritchie in Torrileith *v.* James Symmer at the Milne of Cawill. The Pursuer sought entry to a house, but on a reference to the Defender's oath he deponed that the Pursuer promised to "big" the house before Whitsunday, which he had failed to do.

**Decree of Wrongous Intromission.** John Williamsone, burgess of Abd. *v.* Duncan Blakhall in Clerkseit, Alexr. Blak and James Brabner, Maltmen, burgesses of Abd. The Defenders were ordained to restore 10 bolls "ferme beir" and 10 bolls "seid beir" with £5 of expenses. The entry is long but the following is a summary. In the month of May, 1615, the Pursuer, who was the proprietor, let for five years to Andrew Broune, then indweller and burgess of Abd., "his four croftis of land callit Aidiepringill Langrig Spittellhill and Croft besyde the Lipperhous" and also a barn and yard "lyand upone the wast syd of the Gallowgait" on certain terms. He also, on certain conditions, advanced to him beir to sow the crofts. The produce was stacked in the yard above mentioned. The tenant evidently got into difficulties and the stacks in the yard were arrested at the landlord's instance, as well as at the instance of his wife, Bessie Burnet. The Defenders, doubtless creditors of Broune, subsequently removed the stacks, but were found liable by this decree to make good the arrester's claim. [*Vide supra*, p. 210.]

**Decree of Spuilzie.** Troyalus Knight in Fraserburgh *v.* Alexr. Crowdane in Kinglasser and Patrick Crowdane, his son, there. It would appear that the Pursuer had preceded the Defenders in the occupation of Kinglasser, in the parish of Rathen, and that in the month of September, 1616, the Crowdanes had taken possession of the crop then in stook upon the farm. What the Pursuer sued for was "thrie scoir thrawis aittis and tuentie thrawis of beir Ilk four thrawis aittis estimat to ane boll Ilk thrie thrawis beir estimat to ane boll" at £5 per boll for the oats, and £7 per boll for the beir, besides "exrescent profitis." What was decerned for was 7½ bolls of oats at 5 merks and 4 bolls of beir at £5. Expenses of action £4.

**Decree for Payment of Borrowed Money.** James Hervie, son and assignee of Andrew Hervie of Elrick *v.* Mr. Wm. Leslie of Seveildie. Decree for sums of 100 and 200 merks with interest on the latter sum from 1597 to Martinmas, 1615, "according to the Act of Parliament." Expenses £4.

31. **Action of Spuilzie.** James Donaldsone, burgess of Abd., Donator to the escheat and liferent of James Keythe of Kinadie *v.* John Clerk in Strathry. The Defender did not appear and the libel was admitted to the Pursuer's probation.

**Action for Payment.** John Gordone of Craig *v.* John Gordone in Drymmeis, John Cow there, George Blakhall there, James Gordone, sometime in Drymmeis, and Alexander Blakhall of that Ilk. The Pursuer sued for certain victual due to him by John Gordon in Drymmeis and George Blakhall, for whom the other Defenders were cautioners. At this diet he protested for the highest prices.

## Decree Books : Vol. II., Contents

1617.

July 31. **Decree of Removing.** William Irvine of Beltie *v.* Wm. Keythe in Ower Altrie, Thomas Martein in Nether Altrie and John Keyth in Nether Altrie. The Defenders were summoned to remove from the "middill pleuche and aucht oxingait of Ower Altrie;" from the "schaddow four oxingait of Nether Altrie" and from the "sone pleuche of Nathair Altrie" respectively, these holdings being all in the Lordship of Deer. Pursuer produced Sasine dated 15 October, 1616. Notary Mr. Gilbert Ross. Mr. Wm. Keythe appeared and was ordered to lodge defences on the second day of the "heid Michealmas Court;" while decree passed against the other Defenders.

Octr. 1. **Action for Rent.** John Strauchine at the Mylne of Auchtercoull *v.* James Cowtis in Tailzea. To this diet of proof there were summoned as witnesses for the Defender John Gordoune of Tilliquhodie, Robert Cowtis of Auchtercoull, Patrick Gordoune of Kincraigie, Mr. James Straquhan, persone of Coldsteane, Mr. Wm. Robertsone, Minister at Tarlen, John Gordoune in Tilliludge, John Straquhan in Strathmore, John Ross there and John Tais, of whom the laird of Auchtercoull and John Gordoune in Tilliludge only attended. An instrument under subscription of Robt. Stewin, Notary dated 7 August, 1616, was produced. After two subsequent diets, at which none of the witnesses were produced, the term for proving the defence was circumduced on 3 December. No later entry found.

**Action of Spuilzie.** John Merchand in Kincardyne O Neil *v.* David Canzeauche at the Mylne of Campbell. Defences to be lodged on October 31, which was done, but no farther entry has been found.

Nature of Actions not disclosed. George Leslie of that Ilk *v.* William Dawie in Chappeltoune of Leslie. The Defender did not appear and libel was admitted to the Pursuer's probation.

Alexr. Chalmer, burgess of Abd. *v.* Duncan Blakhall in Clerkseit and Andrew Broune in Abd. Blakhall was represented by a Procurator, and 31 October assigned for defences. After replies to the defences were lodged on 3 December, no entry has been found.

Alexr. Buchane in Lamermuir *v.* Mr. John Cheyne of Arnage, Alexr. Follay there, Mr. Patrick Cheyne there, Thomas Schewan in Towie Arnage and Thomas Simsone in Carnedelie. The Procurator for the Defender, produced a discharge dated 2 June, 1615, and registered in the Commissary Court Book 23 July, 1617. The Defender got until October 31 to object. At that diet no objections were produced and the term was circumduced.

Andrew Duckisone in Wattererne *v.* Patrick Mernis in Rubislaw. Action awakened and interlocutor to be pronounced on October 31, but as no farther entry has been found the probability is that the case again fell asleep.

## Aberdeenshire Sheriff Court :

1617.

Octr. 1. **Action of Removing.** Mr. George Setoune of Barra *v.* George Johnestoune of Caskieben, Wm. Dune in Muirtoune, John Dune there, George Petrie there, Alexr. and Robert Moreis at the Walkmylne of the same. Johnestoune is called as pretended principal tenant of the lands of " Muirtoune, Walkmylne thairof, alias the Lytillmuir," and he and the others were sought to be removed from these and " specialle from the Copland fauldis, muiris and marrases of the same Lochtigryne Walkmylne of Bourtie and croft thairof " as parts and pertinents of Barra in the Barony of Barra. Sasine dated 5 July, 1615. Notary Mr. William Andersone. On October 31 an advocation was produced sisting the case until November 30.

31. **Action for Rent.** John Forbes of Petsligo *v.* John Ogstoune in Lytill Bomakellie. A rental book subscribed by the Defender was produced and also the Pursuer's Sasine dated 6 August, 1600. Notary William Mortimer. Defences to be lodged on November 12. The pleading ran its usual course but no entry has been found after 3 December.

Nature of Actions not disclosed. Mr. Wm. Barclay, Procurator Fiscal, and Hendric Umphray for his interest *v.* Patrick Meldrum in Lenscha and Robert Broune in Cuschnie. The cause was awakened and continued to 12 November for Interlocutor but this is the only entry found.

Duncan Fyiff in Kincardin *v.* Robert Davidstone in Stranduff and his wife Bessie and his daughter. Defences ordered on November 12 and then lodged, after which no entry has been found.

Wm. Tower in Auchmenzie *v.* James Vilsone in Ardlennie (? Ardlony). Defender not appearing the libel was admitted to the Pursuer's probation.

Bernard Stewart in Marlewall *v.* Charles Fyiff at the Mylne of Drumnauchie and James Fyiff there, his brother. Defenders not appearing the libel was admitted to the Pursuer's probation.

Wm. Cuik in Urinall *v.* Alexr. Fraser of Forrest and Edward Fraser in Frasris-burghe. Defences ordered on November 12 and lodged. No farther entry.

**Action of Spuilzie.** Annabell Byris, widow of Alexr. Hunter in Craigtoune *v.* Patrick Hunter in Pyiktilhim. Defences ordered on November 12. On January 28, 1618, the whole defences were repelled and the libel admitted to the Pursuer's probation.

Nature of Actions not disclosed. John Forbes of Petsligo *v.* Edward Auldmeill in Mains of Pitsligo. The Defender, who did not appear, is designed as " tennent and occupiar of tuelff boliis sawing " of the Mains of Petsligo. Libel admitted to Pursuer's probation. There was a diet of proof in February, 1618, at which a rental book and Sasine were produced.

Gilbert Ronaldsone in Carnie *v.* John Galloway in Liddauche of Skene, James Young in Bankheid, Alexr. Galloway in Hessilheid and Alexr. Watson, Messenger. Action awakened and defences to be lodged on November 12. No termination recorded.



## Decree Books: Vol. II., Contents

1617.

Octr. 31. **Decree for Rent.** James Garioche of Kinstair and Mr. James Skene of Waster Cross *v.* Mr. William Burnet, Minister at Kynnernie. Being examined on oath, the Defender admitted being due 16 bolls of victual, whereof 4 bolls of malt, for Lytill Carneday, crop 1616, and 13 bolls victual, of which 4 were malt, for four oxengait of Corsinday, crop 1616, with 1 boll of multure victual, for which and 30/- of expenses decree passed.

Novr. 1. Nature of Action not disclosed. Wm. Udnie, elder, of that Ilk *v.* Andrew Adame in Auld Abd. Defences ordered for November 12. The defences were repelled on January 15 and a proof allowed. On January 28 the Defender failed to answer his citation as a witness, and the Pursuer's libel was admitted to his probation.

**Decree of Removing.** William Troupt of Pettindreiche *v.* Wm. Symsons at the Mylne of Keig and Alexr. Symsons, his son, there. The Defenders were ordained to remove from "the southe eist quarter lands of the said toune and landis of Pettindreiche extending to ane pleuche of land lyand within the parochin of Keig, Regalitie of Sanct Andrewis and Shrefdome of Abirdein." Sasine dated 4 December, 1593. Notary the late John Boig. An extract of a horning registered in the Sheriff Court books on 12 April, 1613, at the instance of Thomas Clerk and Cristiane Leslie, his spouse, against Symsons was also produced and founded on.

12. Nature of Actions not disclosed. Alexr. Matthowsone now in Standingsteanis *v.* Arthur Chalmer in Abd. Defences ordered for November 19. These were repelled on January 15, 1618, except the last part of the first eik and the defence and eik relating to improbation. On 5 February, 1618, there were cited as witnesses for the defence George Chalmer of Balbithen, James Setoune of Petmedden, Alexr. Rolland, burgess of Abd., Mr. Robert Paip, Advocate, John King in Balbithen, Mr. John Walker, Parson of Kinkell, John Andersone in Craigforthie, Harie Ray in Petcapill and George Crichtoun of Baillyistoun, none of whom attended except George Chalmer and Rolland, who were objected to and repelled. The end of the case is not reached.

Gilbert Mengzeis of Petfoddellis *v.* Andrew King, Advocate, in Abd. Defences ordered for November 19. On 10 December the term for lodging eiks to the defences was circumduced. On 5 February, 1618, the cause was awakened and the Defender ordained to say "agains the new mendit lybell." The case was still in progress when the volume ended.

James Andersone, alias Walker, in Setoune *v.* Alexr. Mackie in Wattertoune, James Leyth there, William Matthowsone there, James Fettes there, William Watt there and Janet Suentoun there. In absence of Defenders, Pursuer's libel admitted to his probation. There was a diet of proof on 18 February, 1618, but no result has been found.

**Decree of Removing.** The Marquis of Huntly *v.* his tenants. A very large number of tenants of holdings described as "lyand within our Markeisit of Huntlie and Shrefdome of Abd." were found to have been in violent possession since Whitsunday, and were in absence ordained to remove, James Gordon of Knokespock being the sitting Sheriff Depute. Mr. Robert Paip produced executions of warning against the Defenders, but no Sasine or other title as was usual in such cases.

## Aberdeenshire Sheriff Court :

1617.

Novr. 19. **Action for Delivery. Absolvitor.** Bessie Mackie, lawful daughter of the late Gilbert Mackie, burgess of Abd. *v.* Agnes Lyell, wife of George Johnestoune, burgess of Abd., and the said George Johnestoune. The Pursuer sought delivery of "tua broune gownes the ane thairof of fyne Lundone broune or violat claithe with ane red border of veluet haueing thrie stikingis of silk on ilk ane of the said borders in all pairtis of the bodie and sleiweis and round about the hem thairof price of the same" £72. As lykwayes . . . ane uther broune gowne of Scottis claithe pesamentit in all pairtis pryce thairof" £30. The Pursuer referred her case to the oaths of her opponents, who denied ever having had the gowns and were assolizied.

26. Nature of Actions not disclosed. Patrick Gordone of Brasmuir *v.* Edward Cruikshank in Auld Abd. In absence of Defender the Pursuer's libel admitted to his probation.

Andrew Hucheone sometime in Cultis now in Petfoddellis *v.* Andrew Craig in Cultis. Defences ordered on 3 December.

**Decree for Payment.** Patrick Mengzeis, burgess of Abd. *v.* Alexr. Young in Kinmondie. £20 for "merchandice and utheris comptis and rakningis coft and resaut" which should have been paid at Whitsunday with 20/- of expenses.

**Decree for Payment.** Wm. Forbes in Kinmondie *v.* John Johnstoune in Maidinecraig and Alexr. Young in Kinmondie. Johnestoune was ordained to pay £7 10/-, being balance of £10 the price of a mare. The decree against Young was for the price of two bolls of "quhyt aits" crop 1616 at £6 per boll, with 13/4 each of expenses.

**Decree for Rent.** Patrick Leithe of Liklieheid *v.* Wm. Forbes, sometime at Auchlewine now at Brig of Die. The Defender had been the Pursuer's tenant of 8 oxengait of his lands of Auchleven, and the conclusions of this action were for very considerable sums of "byrin dewties" services and customs, in respect of the tenancy for the years 1612, 13, 14, and 15. The prices of the grain were to be according "to the feirs of the saids yeiris." What was decerned for was "tuelf bollis meill ferme wictuall for the crope forsaide [1615] pryce of the boll aucht markis sex sh viiid according to the feir of the said yeir withe the sowme of sex pounds money for expenss<sup>s</sup> of pley maid in persute of the said caus." The following is the history of the process in Court, which was apparently a normal one :—Febry. 12, summons presented ; 19, defences lodged ; 26, Replies lodged ; March 5, eiks to defences ordered ; 12, eiks lodged and replies ordered ; 19, Replies lodged and interlocutor to be pronounced on March 26 ; 26, no entry ; 29, defences and eiks for the Defender repelled, except the last eik, of which proof allowed to him ; the superplus of the libel admitted to the Pursuer's probation ; April 23 assigned for proof ; April 23, no court apparently ; 30, the Procurators for the Defender offered to refer the truth of the defences to the oaths of the Pursuer and his wife ; the other side protested ; July 19, three witnesses examined for Pursuer and one called, who did not appear ; Pursuer "tuik to preiwe for the secund ;" 30, the second diet of proof ; the witness who failed to appear at last diet was examined ; the Pursuer "tuik to preiwe for the third ;" the Pursuer and his wife, Katharine Skene, also appeared and gave their oaths of verity ; Novr. 26, decree as above.

## Decree Books: Vol. II., Contents

1617.  
Decr. 3. Nature of Actions not disclosed. Mr. Thomas Nicolsone, Commissary of Abd. *v.* Katherine Ray, widow of James Glenney, and Wm. Stewin, her husband, Gilbert Leslie, James Allone, all in Boigis of Fintray, John Symmer in Newlandis, James Symmer, Thomas Rob, Magnus Symmer, Helen Symmer, widow of James Irnesyd, and John Leslie, her husband, all in Haltoune of Fintray. Defences to be lodged on December 10. On January 14 the defences were repelled and a proof allowed to the Pursuer. There is no record of the first diet but the second diet was on January 28, after which no entry is found in this volume.

Patrick Gordoune of Brasmoir *v.* Wm. Barnet, Tailzeor, burgess of Abd. Defences to be lodged on December 10, which was done, but no farther entry found.

William Leslie of Warthill *v.* James Liddell, otherwise Ridlar, in Maynis of Eycht, John Yeman in Culquhorsie, Alexr. Skeyne in Dumbrek, and David Alshonder in Litill Eycht. Defences to be lodged on December 10. The case last appears in this vol. on 11 March, 1618, when the defences were repelled and a proof allowed to the Pursuer. As excrescent profits are mentioned the case must have been one of wrongous possession or intromission of some kiud.

**Decree for Payment.** Gilbert Davidsone in Quhythill *v.* Alexr. Walker in Deir. 12 merks for malt with 20/- of expenses.

Nature of Actions not disclosed. Adam Gordoune of Boghoill, as factor and chalmerlane to Wm. Gordoune of Saphak, his brother *v.* William Cassie in Chappeltoune of Shewes. In the absence of the Defender the Pursuer's libel was admitted to his probation "*in quantum juris*" and the Pursuer referred to the Defender's oath "the rest of the lybell *in quantum facti pro confesso*." On December 20 the Pursuer's Procurator produced a horning against the Defender as probation "*quantum juris*" also the Pursuer's Sasine (no date given) and his Factory. The Defender not appearing to depone "*quantum facti*" decree was moved for.

Chalmer *v.* Davidsone [*supra* 20 March p. 214]. The Sheriff Depute refused to allow an exception by the Defender to be proved except by writ or oath, notwithstanding the plea of the Defender's Procurator to the effect that it "nicht be prowng be witness<sup>s</sup> being bying and selling of ferme wictuall nocht exceeding the sowme of sewin scoir poundis."

10. **Decree of Removing.** George, Earl Merschell, etc., etc. *v.* John Andersone. The Defender was ordained to remove "from four oxingait lands of the Owir Dawache landis of Kintoir." The Procurator for the Pursuer stated that his Sasine was in the hands of Mr. William Andersone, Sheriff Clerk.

**Action of Wrongous Intromission.** John Smyth in Feuchesynd *v.* Thomas Smyth in Orcharstoune. Defences to be lodged on December 17, but no entry found after 14 January, 1618.

**Decree for Payment.** David Cathrow in Abd. *v.* James Forbes in Breddauche and Gilbert Galloway in Eister Carnie. Decree passed against Forbes for 29 merks and against Galloway for 22 merks upon condition that the Pursuer procured the loosing of Arrestments which had been laid on these sums by "George, Erll Merschall."

## Aberdeenshire Sheriff Court :

1617.  
Decr. 17. **Continuation of Court.** The Sheriff Depute "*ex consensu procuratorum*" continued all the cases to December 20.
20. **Action of Spuilzie or Wrongous Intromission.** Patrick Foullar in Auchquheorhy *v.* Isobell Roust, now in Boigheidis, widow of Patrick Mylne, sometime in Thainstounne. Defences to be lodged on 14 January next. No entry found after 11 February, 1618.
- Curatory.** George Forbes, third lawful son of Wm. Forbes of Tolquhone, with consent of his father. The next of kin called were Mr. Walter Forbes of Auchmaleidie, John Forbes of Petnacaddell, George Ogilvie of Carnowseis, James Ogilvie of Auchleuchreis and Robert Ogilvie, burgess of Banff, son of Sir George Ogilvie of Dunlugas, knight. It would rather appear that none of these attended. The Curators chosen were William Craig in Tarves and Patrick Forbes in Thainstounne, who, being present, accepted office and became cautioners for each other.
- Curatory.** Cristiane Cheyne, only bairne and lawful dochter to the late Mr. Francis Cheyne sometime of Craigie. The next of kin called were Mr. John Cheyne of Arnage, Thomas Cheyne of Ranestounne, Andrew Meldrum of Tillicairne and Patrick Meldrum of Frosterhill. The Curators chosen were Andrew Meldrum of Tillicairne and William Craig in Tarves, who accepted office and became cautioners for each other.
1618.  
Jany. 14. Nature of Action not disclosed. Wm. Ramsay in Meanie *v.* Alexr. Sangster in Watrichmuir. In the absence of the Defender the Pursuer's petition was admitted to his probation.
- Decree in Supplement.** Alexr. Lyounne of Brakay *v.* John Stewart sometime at the Mylne of Glascha. Defender absent. The Pursuer's petition admitted to his probation. A subsequent entry at same court bears that the Pursuer produced an act of a court held in the house of Wm. Watt in Middiltounne on 22 March, 1617, in proof of his claim. Decree passed for £45 13/4.
- Nature of Actions not disclosed. Wm. Forbes of Kynmundie *v.* James Gray in Kynmundie, Duncan Blakhall in Clerkseit and Wm. Davidsons in Crabistoun. Defences to be lodged on January 21, but no entry found after 11 February.
- Alexander Scherar at the Scotis Mylne *v.* Duncan Forbes of Bithnie, Elspet Forbes, his wife, and John Cleriche there. Defences to be lodged on January 21. No entry found after 18 February.
- Decree for Damages. Master and Servant.** Mr. Robert Bisset, Fiar of Lessindrum *v.* Gilbert Robertsons, sometime in Cultis, then in Gulburne. This is the first case of the kind which has been found. The Defender, who had engaged to serve the Pursuer from Whitsunday to Martinmas, 1617, but failed to enter his service, was ordained to pay the Pursuer £10 with 13/4 of expenses.
21. **Action of Relief.** James Ridlar in the Mains of Echt *v.* Arthur Forbes of Boig. [*Supra* p. 227]. The Pursuer produced for instructing his case the principal process at the instance of Wm. Leslie of Warthill against him. In absence of the Defender the Pursuer was allowed a proof of his libel.



## Decree Books: Vol. II., Contents

1618.

Jany. 21. Nature of Action not disclosed. Bartholl Youngsone in Nether Dyce and William Scherar there *v.* Thomas Scherar in Nether Dyce and Alexr. Watson there. In absence of the Defender the libel was admitted to the Pursuer's probation.

Feby. 4. **Continuation of Court.** The Sheriff Depute, with consent of the Procurators, continued all the cases until next day.

5. Nature of Actions not disclosed. John Vilsone in Kynmundie *v.* Andrew Smyth in Liddauche. Action wakened and February 11 assigned for lodging eiks to defences. This was not done and the term was then circumduded.

John Vilsone in Kynmundie *v.* Patrick Forbes in Fynnersie. Action wakened and interlocutor to be pronounced on 11 February, but this is the only entry.

Thomas Sinclair in Kynnadie *v.* Alexr. Bowman in Meikill Elrick, Wm. Wilsone there and Andrew Kid there. Defences to be lodged on February 11, but this is the only entry.

**Decree in Supplement.** John Galloway in Liddauche *v.* Gilbert Galloway in Eister Carnie. This was a decree "*in supplementum justitiae*" of a decree of the Court of "the Barronie of Skene and Kintoir haldin within the outter chalmers of the said Johne Galloway" on 19 July, 1616, whereby the Defender was decerned on his own confession to pay to the Pursuer 50 merks for the price of "ane horss coft and receawit." The cost of the extract of the Barony Court was 6/8 and the expenses of process 40/-.

Nature of Actions not disclosed. John Hunter, burgess of Abd. *v.* John Strathauchin, Merchand, there. Defences to be lodged on February 11, but after appearing once or twice the case dropped from the roll.

11. John Fraser of Sklaitie *v.* Alexr. Walker in Milnehill, John Hendersone there, John Lang in Greinburne, Wm. Narne in Sklaitie, Archibald Smyth there and David Barnet in Waigley. The Defenders being all absent the summons was admitted to the Pursuer's probation.

John Bruce at Meikill Mylne of Essilmont *v.* Andrew Ross in Fechill. In absence of the Defender the summons was admitted to the Pursuer's probation.

**Action for Breach of Arrestment.** Mr. Wm. Barclay, Procurator Fiscal, and Mr. Alexr. Irvine, Advocate for his interest *v.* Alexander Hervie in Auld Abd. An arrestment was produced with the summons and 18 February assigned for lodging defences. No farther entry found.

**Decree for Rent.** James Walker in Peterheid *v.* George Gardyne in Ardmauchar. Decree passed against Defender for the balance of the rent of his occupation, the amount being 3 bolls 1 firlof of "ferme meill" at 8 merks 6sh 8d per boll and 1 boll oats "small corne" at 5 merks per boll according to the "feir of the year lybellit" with 13/4 of expenses.

## Aberdeenshire Sheriff Court :

1618.

Feby. 11.

**Decree for Price of Corn.** James Leyth in Wattertoun *v.* David Andersone alias Walker in Mylnhill, Alexr. Andersone, alias Walker there, John Hendersone there, John Chalmer there, Patrick Fraser in Strukenheavin, Wm. Chalmer in Wattertoun, Wm. Reid at the Mylne of Wattertoun, James Aikin in Glen and James Scherar there. Decree in absence passed against these nine Defenders individually for separate claims, for the price of small quantities of corn, with 3/4 of expenses against each Defender. The corn was of the crops 1616 and 1617. The terms "pryce corne" and "calf corne" are used here and elsewhere apparently to indicate different kinds of corn.

**Decree for Price of Corn.** Alexander Mackie in Wattertoun *v.* the same Defenders as in preceding case. In this case all the Defenders were examined on oath, except Alex. Andersone and Fraser, and were ordained to pay the sums admitted by them, but no mention is made of expenses. Fraser appeared on 18 February and deponed, where the decree was for the amount admitted also without expenses. Against Alexr. Anderson there was decree in absence on that day.

18. Nature of Actions not disclosed. John Leslie of Petcapill *v.* Ronald Cheyne in Ardieharrauld. Replies lodged. Interlocutor to be pronounced on February 25. The term for lodging eiks was circumduced on 4 March.

The Procurator Fiscal and Mr. Alexr. Irvine, Advocate, for his interest *v.* James Andersone, alias Walker, in Setoun. Defences lodged. Replies ordered on February 25. The last mention of the case is on 18 March.

John Arthour in Mownie *v.* Wm. Pantoun in Langlandwallis. Defences lodged. Replies ordered on February 25. No entry after 4 March.

**Decree for Price of Corn.** Thomas Davidsone in Eister Disblair *v.* Andrew Davidsone in Middill Disblair. 1 boll "calf corne" and 1 boll "pryce corne" crop 1615 with 13/4 of expenses.

Nature of Action not disclosed. James Leyth in Wattertoun *v.* James Andersone, alias Walker, in Setoun. February 25 assigned for defences, but unfortunately a page or two are missing and this and some other cases do not appear again.

**Decree for Price of Corn.** James Andersone, alias Walker, in Setoun *v.* Wm. Watt, Wolster in Wattertoun and Janet Suentoun there. Small quantities of corn crops 1614-15-16 and 17.

25. **Action of Spuilzie.** William Elmslie in Pettoucheis *v.* John Reid in Annagathill, Duncan Robertsons in Cornabo, Alexr. Andersone in Pettindriche and Robert Cuschnie in Lytill Abercatie. March 4 assigned for defences. End of the case not reached in this volume.

March 4. Nature of Action not disclosed. Patrick Stewin in Meikill Clyntertie *v.* John Tellie in Bishopsisclintertie and John Chalmer there. March 11 assigned for defences. On that day there was a cross action on the roll at the instance of Tellie against Stewin.

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1618.

March 4. **Decree for Price of a Cow, etc.** Richard Smyth, Flescher, burgess of Abd. v. George Walker, Wobster, in Ferriehill. Decree passed for 4 merks balance of the price of "ane kow" and 7 merks which the Pursuer as cautioner for the Defender had to pay to Thomas Cheyne of Ranestoun, with 13/4 of expenses.

11. Nature of Actions not disclosed. Gilbert Davidstone in Quhythill v. David and James Robertstone in Percok and Alexr. Walker in Deir. A diet of proof. A decree and arrestment with the executions were produced as evidence and proof renounced.

18. James Ross in Abd. v. David Lindsay, Tincklar, in Abd., and John Gardyne, messenger. Defences produced.

**Decree of Removing.** John Leslie of Wardes v. John Andersone in Landends of Meikill Durnocht. The Defender appeared and consented to remove, to which the Sheriff Depute interponed his authority.

**Decree of Removing.** John Forbes of Petsligo v. Barbara Findlay, widow of Alexr. Gill, at the Mylne of Auchlyne and Robert Gill, his son. The Defenders were ordained to remove from Mill and Mill Lands of Auchlyne and Mill and Mill Lands of Petsligo. An act of renunciation dated 13 March current was produced by the Defenders' Procurator, under the hand of Mr. Patrick Chalmer, Notary Public, to which the Sheriff Depute interponed his authority.

Nature of Action not disclosed. John Gordone of Petlurge v. George Siwewricht in Botarie. Defender absent. Libel admitted to Pursuer's probation.

**Action of Damages. Killing a Mare. Absolvitor.** John Andersone in Kintoir v. William Mackie in Tofthillis. The Pursuer claimed from the Defender 20 merks as the "pryce of ane meir alledgit stikit and slaine be the said Defendar with ane corne fow [corn fork or pitchfork] in April, 1616. On a reference to his oath the Defender deponed that the contents of the petition "was nawayes of treuthe nor veritie," and he was assoilized.

**Decree of Removing. Desertion of Holding.** Alexr. Lyoune of Brakay v. John Farquhar in Birks of Tillfour. The Defender had a five years lease from Whitsunday, 1615, but had deserted the possession and this decree was necessary for the landlord's security before dealing with the subject.

## Illustrative Examples taken from Vol. II. of Decree Books.

### A Bride's Tocher

(12 Febr'y 1617)

The said day in the Actione and Caus persewit be Williame Touche in Findlatrie and Elspet Forbes his spous agains James Forbes in Ardlar Compeirit Mr James Irving procuratour for the persewaris and productit ane sumondis dewlie execute and indorsit to this day agains the said defender to sueir and depon upone the contentis [of] ane lybellit sumondis referrit to his aithe be the persewaris with certificatione pro confesso Quhilk James Forbes being oft tymes callit and nocht compeirand lauchfull tyme of day being biddin The said Mr James Irving procuratour for the persewaris protestit according to the sumondis that the lybell sould be hauldin as confessit specialie concerning the payment of the sowme of Tua hundreth merkis usuall monie of this realme quhilk the said defender promeisit to pay to the said William Touche in dott and tocher with the said Elspet Forbes his spous in the moneth of July or thairby 1<sup>m</sup> sex hundrethe and threttein yeiris and the payment and delyurie of thrie yeowis left be the said Elspet the tyme of the matrimonie in the possessione of the said James her father pryce of the peice fourtie thrie sh four penneis as in the said lybell at mair lenthe is contenit and past fra the haille remanent contentis of the said lybell concerning the profits of the said principall sowme of Tua hundrethe merks and ex-crescent profiteis of the saidis thrie yeowis quhilk protestatione the Shref depute admittit and decernit and ordainit the said James Forbes to pay and delyuer to the said Williame Touche and Elspet Forbes his spous the said sowme of Tua hundrethe merkis dott and tocher togidder with the sowme of fourtie thrie sh iiijd for ilk piece of the saidis thrie yeowis and tuentie sh for expensis of pley [&c., &c.]

### Value of Glass Windows

(26 March 1617)

The said day in the actione and caus persewit be Alexander Mowtray in Auld Abd assignay lauchfullie constitut be Robert Skeine burges of Abd agains Williame Galloway Cordoner in Abd for the



## Decree Books: Vol. II., Illustrative Examples

wrangous violent intrometting with tua glassin vindowis of new compass wark contening fourtie four futtis of new glas pryce of the fute sex sh viijd in the moneth of Julij last by past 1<sup>m</sup> sex hundrethe and sextein yeiris the saidis vindowis than perteing to the said Robert and was in his possessione dyuers weikis and dayes abefoir the defenderis wrangous intromissione thairwith aboue writtin quhairthrow the said Complener is damnifeit in the sowme of twenty four merkis by and attour the pryce of the saidis vindowis be the said defenderis lang detentione thairof and thairfoir the said defender to be decernit to pay and delyuer to the said persewar the sowme of sex sh viijd for ilk fute of the saidis fourtie four futes of new glasin windowis togidder with the said sowme of tuentie four merkis for the persewaris damage throw want thairof as lyikwayes to pay to the said persewar as assignay foirsaid the sowme of four pundis for penting of the defenderis storme windowis and peit steanis of his hous conforme to the valour of the oylis and warkmanschip in performing thairof as in the lybellit sumondis raisit thairanent at mair lenth is contenit Compeirit Mr James Irving procuratour for the persewar and producit ane sumondis . . . . . the Shref deput foirsaid haueing hard sein and considerit the haill proces productis and depositiones of dyuers famous witnessis producit admittit and suorne in the said caus fand and pronuncit that the said defender haid done wrang in the wrangous and violent intrometting with the saidis tua glasin windowis of new compass wark contening fourtie four futtis of new glass pryce of the fute sex schilling and threttie thrie sh iiijd for the penting and culling of the defenderis [? pursuer's] windowis and utheris as is lybellit and thairfoir decernis the said defender to delyuer to the said persewar tua sufficient new glassin windowis of new glass of compass wark of fourtie four futes pryce of the fute sex schillingis or then to pay to the said persewar the said sowme of sex schillingis for ilk fute of the saidis fourtie four futes with threttie thrie sh iiijd for penting and culling as said is togidder with the sowme of tuentie sex sh viijd for expensis of pley maid in persute of the said caus and absoluit the said defender fra the haill remanent contentis of the persewaris lybell [&c., &c.]

### Pig-sticking in Strathdon

(2 July 1617)

The said day in the actione and caus persewit be Allaster Andersone in Rippachie agains Duncane Narne in Knoksoull James Makmay in Kinnadie John Lowrance in Cottertoune of Pettalachie Duncane Smyth in Knoksoull Johne Ker elder and younger thair Thomas Makmei thair and Alexr Cuik thair touching the persewaris lybell desyring the

## Aberdeenshire Sheriff Court :

saidis defenderis to heir and sie thameselfs decernit to haue done wrang in the wrangous slaying and stiking of tua suyne and ane sow in the monethe of August in the yeir of God 1<sup>m</sup> sex hundrethe and sextein yeiris pertening to the said Allaster and in his possessione upone the grund and landis of Rippachie be feiding and pasturing of the said suyne he being in peicabill possessione thair of as said is as his awin proper suyne sua reput and hauldin and thairfoir the saidis persones to heir and sie thamselvis decernit to pay and delyuer for the said tua suyne and ane sow the sowme of ten pundis for the pryce of ilk suyne owerheid togidder with the excrescent profiteis of the said sow extending to thrie litteris in the yeir extending ilk litter to auchtein gryses pryce of the peice of ilk gryse xiiij sh iiijd as in the lybellit sumondis raisit thairanent at mair lenthe is contenit Compeirit Mr Williame Ray and Mr George Anderson procuratours for the persewar and producit ane sumondis dewlie execute and indorsit to this day agains the saidis defenderis to sueir and depone upone the contentis of the said lybellit sumondis referrit to thair aithes be the said Allaster with certificatione pro confesso and according protestit the said mater sould be hauldin as confessit The Shref deput fairsaid haueving hard sēin and considderit the haill process and being ryplie and at lenthe advysit thairwith Decernis the saidis defenderis with consent of the said persewar to pay and delyuer to him the sowme of ten merks for ilk ane of the said suyne and ten merkis for the said sow with the sowme of fourtie schillingis for expensis of pley maid in persute of the said caus and absoluis the saidis defenderis fra the haill remanent contentis of the said persewaris lybell [&c., &c.]

### Master and Servant. Breach of Engagement

(14 Jany 1618)

The said day Gilbert Robsone sumtyme in Cultis and now in Gulburne was decernit in penam contumaciæ being sumondit to this day with certificatione pro confesso and compeirit nocht being oft tymes callit lauchfull time of day biddin To pay and delyuer to Mr Robert Bisset fiar of Lessindrum the sowme of ten pundis for his seruice fra Witsonday 1<sup>m</sup> sex hundrethe and sewintein to Martimes thaireftir becaus he promeisit faithfullie to haue enterit to the said persewaris seruice at the tyme fairsaid and did nocht with the sowme of threttein sh iiijd for expensis of pley [&c., &c.]

## Decree Books: Vol. II., Illustrative Examples

### Decree in Supplement. Price of a Horse

(5 Feby 1618)

The said day in the term assignit to pronounce interloquitor in the actionne and caus persewit be Johne Galloway in Liddache agains Gilbert Galloway in Eister Carnie compeirit Mr Alexander Irving procuratour for the said persewar and desyrit the said Interloquitor to be pronuncit The Shref deput foirsaid haueing hard sein and considerit the persewars lybell defendars defensis and eiks ansueris and replyis maid thairto for the pairt of the said persewar and being replie and at lenthe advysit thairwith Repellit the haill defensis and eiks proponit for the pairt of the said defendar and in supplimentum justicie Interponit his auctoritie in and to ane Act of Court of the Barronie of Skeine and Kintoir hauldin within the outter chalmer of the said Johne Galloway the nyntein day of July 1<sup>m</sup> sex hundrethe and sextein yeiris quhair the said Gilbert was decernit of his awin confessionne to pay to the said persewar the sowme of feitie merkis usuall monie of this realme for the pryce of ane horss coft and receawit be the said Gilbert fra the said persewar with sex sh viijd for the extract of the said act [&c., &c.]



## The Minute Books of Judicial Enactments

### Vol. III., 1619-28

As will be seen from the first date, a gap occurs of more than five years between this book and Vol. II. of the same series. It may be assumed, therefore, that one volume has been lost. The first date is 2 Octr., 1619, and the last 24 May, 1628.

The book consists of 338 pages, and has the appearance of being pretty nearly complete, although leaves are occasionally missing. In the first book of the series, such entries as Ratifications and Renunciations by women, bore a very small proportion indeed to the Acts of Caution for Loosing of Arrestments, and acts of a similar character. In the second book, and in this one the disproportion is not nearly so marked, there being a decided increase in the number of entries of the former class. On the other hand, the Acts of Caution in connection with accusations of crime, which disappear altogether in the next two volumes of the series bear a smaller proportion to the whole, than in the preceding books.

The frequency of the occurrence of the names Gordon and Forbes in this volume is probably more marked than in any of the others.



## Table of Contents of Vol. III. of Minute Books of Judicial Enactments

1619.  
Octr. 2.     **Loosings of Arrestments.** George Leslie of Kincairgie *v.* John Clerk in Kirktoone of Touche and Thomas Blair there. Cautioner Wm. Forbes of Tillikerrie.
6.     Duncan Forbes of Bythe *v.* Andrew Fearnie in Quhytsteanis of Feddret. Cautioner James Ross, Notary Public, burgess of Abd. Crop and peats within the alleged bounds of the lands of Gulleis.
8.     **Assault—Blood-drawing.** The Procurator Fiscal Mr. William Barclay, and Thomas Greig in Chappeltoun of Essilmont *v.* George Dovertie there. Cautioner John Johnestoun in Inglistoun.
14.    **Assault—Blood-drawing.** The Procurator Fiscal and the said George Dovertie *v.* the said Thomas Greig. Cautioner George Bruce, Saidler, burgess of Abd.
15.    **Loosings of Arrestments.** George Meldrum of Haltoun *v.* James Hay in Muirriefauld. Cautioner John Forbes of Baddintuir.
21.    John Leyth of Montgarrie *v.* George and Henry Andersone in Clatt. Cautioner Wm. Andersone in Courtestoun.
23.    Thomas Burnet of Campbell *v.* Alexr. Gourley in                   . Cautioner Duncan Forbes of Balnagask.
- Novr. 5.   John Fraser in Petnacaddell and Adam Fraser in Coignzeak *v.* Nicoll Baxter in Creichie. Cautioner Wm. Fywie in Auchtilair.
6.     Patrick Leyth, elder, of Licklieheid *v.* Duncan Hepburne in Auchlewine. Cautioner Wm. Freman at the "Bridg of Die."
10.    George Gordoune of Terpersie *v.* Wm. Couper at the Mylne of Cabray. Cautioners George Scherar in Haddoche and Gilbert Chrystie in Litill Braklay in Cabray. 180 merks in the hands of John Blak in Crannaboig.
- John Mylne of Tillibrallen *v.* Patrick Gordoun, younger, in Fuilziemont. Cautioner John Mylne in Auld Auchindoir. £600 in the hands of John Gordoun of Craig of Auchindoir.
12.    Mr. Walter Forbes of Auchmalidie *v.* John Youngsone there. Cautioner John Urquhart, occupier of two ploughs of Meikill Allathine.

## Aberdeenshire Sheriff Court :

1619.

Novr. 12. **Loosing of Arrestment.** Margaret Liddell, wife of John Mitchell, elder, Maltman, burges of Abd. *v.* John Mitchell, younger, his son. Cautioner the said John Mitchell, elder. There were special arrestments in the hands of Mr. Alexr. Jaffray, James Ray, Mr. Robert Farquhar, William Laing, burgesses, and of their wives. Also in the hands of Patrick Laing and Richard Rutherford, burgesses, and Margaret Collinsone, widow of Walter Collinsone, burges.

**Renunciation and Discharge.** Marjory Forbes, widow of William Gareache of Kinstair, renounced her rights in the shadow plough of the east half of Kinstair in favor of her son, Wm. Abercrombie of Kemmalls. Two notaries—one being the Sheriff Clerk—subscribed for the lady.

**Loosings of Arrestments.** John Forbes of Leslie *v.* Mr. Robert Irvine, Minister at Premnay. Cautioner Gilbert Forbes, second lawful son of John Forbes of Bairnis. An arrestment had been used in the hands of Mr. Andrew Logie, Minister at Leslie.

David Syme, Chamberlain of Slains *v.* Mr. Samuel Tullidaff, son of Thomas Tullidaff, Minister at Foverane. Cautioner Samuel Meassone, burges of Abd. £186 in the hands of Mr. John Merser, Minister at Slains.

**Renunciation and Discharge.** The subjects here redeemed were parts of Petlurge in the Regality of Spynie and County of Banff. These had been wadset to Wm. Smart in Liill Petlurge for 300 merks and to John Smart in Achynnachie for 600 merks. Mr. Robert Gordoun of Fechill, as assignee to the Reversions, now paid the money and the lands were declared redeemed in his favor.

**Loosings of Arrestments.** John Leslie, Fiar of Balquhane *v.* Richard Melving in Owertoun of Fetterneir. Cautioner John Gordoune of Kearthine.

15. Alexr. Gray, burges of Abd., as Curator of Knowis, son of the late Andrew Knowis *v.* John Smyth in Beildsyd. Cautioner Alexr. Chalmer, younger, burges of Abd.

[Some pages missing here.]

1620.

Jany. 29. **Loosings of Arrestments.** Wm. Ingrahame, burges of Abd. *v.* Adam Quhyt in Scotistoun. Cautioner Gilbert Nuckoll in Pervines.

Feby. 5. Elspet Moir, daughter of the late Andrew Moir and wife of Wm. Wat in Momewlay *v.* Marjory Cassie, widow of the said Andrew Moir, and alleged vicious intromitter with his estate. Cautioner Thomas Jamesone in Scotistoun, whom James Cassie off [?] in Quhytstrypis bound himself to relieve.

21. Jean Blak, widow of Wm. Robertstone in Auchmacoy *v.* Gilbert Robertstone in Auchmacoy, father of William Robertstone and alleged intromitter with his estate. Cautioner Thomas Robertstone at the Mylne of Furwic. 24 ells of "linning cloth" in the hands of John Constable, Wobster.

23. **Horse-stealing and Reset.** The Procurator Fiscal and Sheriff *v.* George Stot, elder and younger, in Scheiwes. Cautioner David Symson, Saidler, burges of Abd.

## Judicial Enactments: Vol. III., Contents

1620.

- Feb'y. 24. **Loosings of Arrestments.** Robert Forbes of Echt *v.* Thomas Duncan in Sillavethie. Cautioner Alexr. Blair, Tailzeour, burges of Abd.
- March 4. Janet Wod, widow of John Leslie of Kearthine and wife of John Gordoun of Kearthine *v.* Patrick Wat, George Blak and Alexr. Mearnes, tenants in Netherton of Knokinblewis. Cautioner John Leslie, Fiar of Balquhane.
13. **Renunciation and Discharge.** Agnes Gray, wife of Thomas Mowtray, Fiar of Clubisgowill, renounced her rights to "Lochehillis, Loche thairof callit the Bischopis Loche," etc, in Sanct Machar, in favor of Mr. Robert Irving of Moncoffer.
21. **Loosings of Arrestments.** Thomas Gordoune in Bellindorrie *v.* James Morgine in Bellintober. Cautioner John Gardyne in Bellamoir.
22. Bessie Findley, widow and executrix of Andrew Hendersone *v.* Wm. Russell, burges of Abd. Cautioner Mr. Alexr. Cullen, Baillie, burges of Abd. It appears from the entry that Henderson's "Inland close, yard and pertinents lyand in the head of the Owerkirkgait" had been bought for 350 merks, which was in the hands of Alexr. Chalmer, younger, burges of Abd.
25. Alexander Leslie, son of John Leslie, elder, of Balquhane, as assignee of Francis Leslie, son-in-law [stepson] to John Gordoun of Kearthine *v.* the said John Gordoun and Wm. Leslie, also his son-in-law. Cautioner John Fergusone, burges of Abd.
- April 12. George Edward in Bonietoune *v.* Patrick Leith, burgess of Abd., son of Wm. Leith, also burges there. Cautioner Wm. Leith, the father.
13. **Assault—Blood-drawing.** The Fiscal and Sheriff and Richard Crag in Gilcomstoun and Margaret Walker, his wife *v.* John Woid there and Katherine Mernis, his wife, John Reid there and Isobel Mernis, his wife. It is particularly stated that Margaret Walker received "ane gryt straik on her fairheid." Cautioner John Troup in Gilcomstoun.
15. **Loosings of Arrestments.** Donald Andersone in Kintoir *v.* Stewin Mackie there. Cautioner Mr. Wm. Ray, burges of Abd.
20. Patrick Dawidsone and Elspet Dawidsone, his daughter *v.* Thomas Dempster, Fleshour, burges of Abd. Cautioner David Simsone, burges there.
22. John Bisset in Cranloche *v.* Alexr. Fordyce in Knythismylne [Knightsmill], James Findley, Andrew Broun, George Murray, Alexr. Murray, all in Creuchie, Thomas Millar and Wm. Barclay in Manes of Lessindrum, Gavin Reid, George Horne, Alexr. Meldrum, John Duncane and Robert Barroun, all in Leyis, John Shand, Robert Hendrie, George Duncane, George Large and James Reid all in Lessindrum. Cautioner George Bisset in Lessindrum.
28. **Manslaughter.** The Procurator Fiscal *v.* James Walker at Garlogie, charged with being art and part in the slaughter of Alexr. Duncane in Litill Finnersie. Cautioner Wm. Walker at the Walk Mylne of Garlogie.



## Aberdeenshire Sheriff Court:

1620.

- April 29.     **Loosing of Arrestment.** Wm. Forbes of Tolquhone *v.* Gilbert Buchane in Maynes of Watertoun. Cautioner Wm. Buchane in Artrochie.
- May   4.     **Assault and Mutilation.** The Procurator Fiscal and Alexr. Tailzeour, Cadger in Inverurie *v.* Alexr. Wobster in Porterstoun. Cautioner Gilbert Johnestoun of Frosterhill.
6.     **Illegal Apprehension.** The Procurator Fiscal *v.* James Watt in Nether Glasco, Adam Watt in Netherbigging of Auchquhortheis and Patrick Watt in Nethertoun of Knokinblewis. Cautioner John Leslie, Fiar of Balquhane. The charge was "the alledgit taking and apprehending of Thomas Narne, sone to Wa. Narne in Kintoir."
22.     **Loosings of Arrestments.** Walter Walker in Arneheid *v.* David Peirie there. Cautioner Wm. Watt, Notary Public in Auld Abd.
23.     Mr. Alexander Gordoune, Minister of Glenmuik *v.* Mr. John Leslie, Minister at "the Kirkis of Tulliche, Glenmuk & Glengairdyne." Cautioner Edward Crukschank in Auld Abd. The teinds and vicarages of the three parishes had been *inter alia* arrested.
24.     John Leyth of Newtoun *v.* Wm. Smyth in Kearriemuir. Cautioner John Leslie, portioner of Buchanstoun.
25.     Mr. Patrick Andersone of Mylntoun of Nothe *v.* George Bruce there. Cautioner George Scot, burgess of Abd. In this case the buildings on Scot's occupation had been arrested.
26.     Dame Margaret Banerman, "Ladie Ludquharne," and Sir Wm. Keyth of Balmuir, Knight, her husband *v.* Thomas Reythe in Kellie. Cautioner Alexr. Birnie in Owerhill of Kellie.
29.     James Reid of New Mylne *v.* Wm. Lyas in Lytill Mylne. Cautioner Mr. James Elphingstoun of Bairnes. Here the buildings had been arrested.
- June 1.     John Keyth of Carnetralzeane *v.* David Bisset, son of Arthur Bisset in Pettichie, who was cautioner for his son.
- James Baird in Foterletter *v.* Marion Thomsone, widow of Alexr. Baird, sometime in Foterletter. Cautioner Robert Hall, burgess of Abd., whom Henry Hutcheon in Foterletter bound himself to relieve.
- Hectour Abircrombie of Wasthall *v.* John Crombie at the Mylne of Wasthall. Cautioner Andrew Johnestoun, Meassone, burgess of Abd.
- Alexr. Leslie, son of John Leslie, elder, of Balquhane *v.* the said John Crombie. Cautioner the said Andrew Johnestoun.
2.     **Renunciation and Discharge.** Euphane Hay, wife of John Fraser, formerly of Creichie then of Ardmacher, renounced her rights in Creichie in favor of John Walker, son of James Walker in Peterheid and Margaret Keyth, his wife.



## Judicial Enactments : Vol. III., Contents

1620.  
June

3. **Renunciation and Discharge.** Isobel Forbes, wife of Patrick Gordoune of Fuilziemont, renounced her rights in these lands in favor of John Gordoune, Fiar of Craige. This she did in fulfilment of a contract made between Gordoune of Craig as principal and Patrick Barclay, Fiar of Tollie, and George Barclay of Auchridie as cautioners on the one part, and her husband and herself as principals and Sir Alexr. Gordoun of Cluny and John Leslie of Wardes as cautioners, on the other part, for the redemption of the said lands of Fuilziemont.

5. **Loosings of Arrestments.** William and John Leslie in *v.* Bessie Leslie and Harie Barclay, her husband, in . Cautioner George Barclay of Auchridie.

James Leslie, sometime portioner of Comalegie and Beggishill *v.* Margaret Lyone and Normond Irwing, her husband, in Beggishill. Cautioner Mr. Robert Bisset, Fiar of Lessindrum.

**Act of Delivery of Writs.** This was the name given to a judicial receipt and discharge granted by Wm. Gordoune, eldest lawful son of the late George Gordoune, sometime of Chappeltoune, and Adam Gordoune of Boighoill in favor of the Sheriff Depute, Sheriff Clerk as the custodier, and to Mr. Robert Paip, Advocate in Abd., as the producer of a "banded coffer" containing the title deeds of Saphak in Fyvie and other documents. The writs relating to Saphak were specially mentioned, and they with the coffer and remaining contents were handed to the granters, one of whom, Adam Gordoune, as proprietor of the lands, had raised an action for exhibition and delivery.

**Destroying Woods.** The Procurator Fiscal and John Leyth of Newtoun *v.* Patrick Davidsone in Auchlevin. Cautioner Gilbert Reid of Eddirlik. This was a statutory offence very severely punishable. The charge was in this entry expressed thus "peilling, cutting and raiffing of Jon Leyth of Newtoun his woods bogis and burnes."

**Renunciation and Discharge.** Bessie Gordoune, wife of George Gordoune in Kandokyll, renounced her rights in Knok and Dalfour, with salmon fishing on the Dee, in the parish of Glenmuck, in favor of Wm. Gordoune, apparent of Knokeapock.

6. **Loosing of Arrestment.** Patrick Middiltoune in Birkinbrewll *v.* George Rose (who signs Ross) in Tarland. Cautioner Alexr. Strauchin in Lerne.

**Removing.** Andrew Richie renounced as at Whitsunday his occupation of Fornat in favor of Mr. Robert Irwing of Moncoffer, the principal tacksman of the lands.

**Loosings of Arrestments.** Stephen Suaip at the Chappell of Garcoche *v.* Henry Suaip, lawful son of the late Andrew Suaip in Mylne of Petcapill. Cautioner Patrick Foulter in Drumnathethe.

Janet Gordoun, widow of James Crichtoune of Frendraucht *v.* John Hendrie and John Thomsone, both in Muirton. Cautioner Andrew Meldrum of Muirs of Fywie.

7. James Gardyne of Blakfurd *v.* John Ardes in Bakiehill. Cautioner John Cruik-schank there.

## Aberdeenshire Sheriff Court :

1620.  
June 8.

**Removing.** George Joip (signing Jope) in Cowllis of Coclarachie renounced his croft in favor of George Gordoune of Coclarachie, the proprietor.

**Loosings of Arrestments.** Andrew Gardyne in Birse *v.* Wm. Burnet in Strauchin. Cautioner John Clerk, Wobster, burgess of Abd.

Wm. Forbes of Monimusk *v.* Duncan Robertstone and his subtenants in Carnabo. Cautioner Mr. James Forbes of Haughtoune.

**Renunciation and Discharge.** Cristiane Leslie, wife of George Leslie, sometime of Craig, renounced her rights in the lands of Auld Craig in favor of John Leslie of Petcappill and Marjory Cheyne, his wife, etc.

10. **Renunciation and Discharge.** John Gordoune of Ardlogie renounced in favor of George Leslie of Auld Craig and of John Leslie of Petcappill, his assignee, his rights to four oxengait of Auld Craig.

**Removing.** John Meldrum in Littill Finneries, renounced in favor of Mr. Robert Forbes, Minister of Echt, the proprietor, his occupation of part of Littill Finneries.

**Loosings of Arrestments.** John Leslie of Wardes *v.* John Wilsone, sometime in Rothmurriell then in Netherlik. Cautioner Wm. Chirnesyd in Smallburne.

12. Alexr. Birney in Fraserburgh *v.* Magnus Fraser there. Cautioner John Brunchew, Merchand, burgess there.
16. John Leyth, apparent of Harthill *v.* John Abircrombie in Auld Raine. Cautioner Wm. Thomsone, Notary Public in Lentusche.
17. Marjory George, widow of James Cruikschank in Auld Abd. and Janet, Alexr. and Katherine, their children *v.* John Cruikschank in Hiltoune. Cautioner Walter Cruikschank, Cordoner in Auld Abd.

George Pecok, Appothegar, burgess of Abd. *v.* Thomas Jamesone in Scotistoune, and his mother and brother. Cautioner Mr. Wm. Moir, burgess of Abd. Peats in the Moss of Scotistoune had been arrested by Pecok, as proprietor of the third part of the lands, moss, etc.

19. Magnus Fraser in Fraserburgh *v.* Alexr. Birnie, Merchand, there. Cautioner Robert Keyth, burgess of Abd.
23. Patrick Chalmer in Sandend *v.* Agnes Smythe, widow of James Muirestone, sometime possessor of Rothnachie and Tirrituithell. Cautioner John Russell, portioner of Litill Cokla.

- July 1. **Manslaughter and Assault.** The Procurator Fiscal and Janet Cassie, widow of Alexr. Moir *v.* Wm. Moir in Wodland. Cautioner Thomas Johnestoune of Kayismylne. The accused was said to have killed Alexr. Moir and assaulted Janet Cassie.
5. **Loosings of Arrestments.** Alexr. Cuming of Culter *v.* James Thome, sometime in Carnie then in Fieddie. Cautioner James Gray in Eister Kimmundie.

## Judicial Enactments : Vol. III., Contents

1620.

- July 12. **Loosings of Arrestments.** Alexr. Smythe in Elrik *v.* Wm. Slorache in Ouirhauche. Cautioner James Smythe in Pooleie.

Wm. Gordoune of Abirzeldie *v.* Alexr. Skeine of that Ilk and his tenants. Cautioner John Forbes, apparent of Lethintie. Peats in the Hill of Fair.

15. **Renunciation and Discharge.** Violet Cheyne, wife of Andrew Meldrum of Auchneif, renounced her rights in Auchneif and others in favor of her eldest son, John Meldrum, and Helen Leslie, his future wife.

**Loosings of Arrestments.** Alexr. Skeine of that Ilk *v.* Wm. Gordoune of Abirzeldie. Cautioner Patrick Gordoune in Tulloche. The counterpart of Gordoune *v.* Skeine (*Supra*).

19. Robert Thomsone at the Ward Mylne of Drum *v.* Alexr. Fraser in Wastertoune of Tillikarne. Cautioner Gilbert Thomsone, Wobster, freeman and burgess of Abd.

Janet and Katherine Leslie, daughters of the late Barthol Leslie, at Mylne of Dyce *v.* Wm. Meluill in Wester Fintray. Cautioner Mr. Wm. Ray, burgess of Abd.

20. **Renunciation and Discharge.** Margaret Strauchine, wife of John Leslie of Duncanstoune, renounced her rights to the lands of Old and New Flinder in the Parish of Christiskirk and Regality of Lindores, in favor of her eldest son, Patrick Leslie, and Margaret Forbes, his future wife.

25. **Loosing of Arrestment.** Alexander, Master of Forbes *v.* Sir Alexr. Hay of Dalgatie, Knight, and his tenants, and specially his tenants and feuars in the town of Turriff. Cautioner Patrick Birnie in Corsegeldie of Delgatie. Peats in the "reid" moss.

26. **Assault—Blood-drawing.** The Procurator Fiscal and John Muir in Manes of Arnage, the injured party *v.* Thomas Stewen in Towie of Arnage. Cautioner James Cheyne, apparent of Arnage.

27. **Loosing of Arrestment.** Thomas Mutray of Clubisgowell *v.* Marjory Cassie, widow of Andrew Moir in Halkhilok. Cautioner James Cassie of Qnhyitstrippis.

- Aug. 5. **Torturing a Servant.** The Procurator Fiscal and David Beanes, the injured party *v.* Wm. Russell, Wobster, freeman of Abd. Cautioner Gilbert Herwie, burgess of Abd. Russell was to be tried on August 19 for "taking torturing & kerking in lint cords David Beans his seruitour" on 25 July. On the margin there is a minute to the effect that this act of caution is "deleit" of consent of parties and the Sheriff, because the Provost and Baillies, as Justices of Peace, were to try the case.

10. **Loosing of Arrestment.** George Johnnestoune of that Ilk and of Caskieben *v.* John Innes, formerly in the croft of Bradmyr, and then at Mylne of Warthill. Cautioner Mr. Alexr. Reid of New Mylne and Notary Public in Abd.

## Aberdeenshire Sheriff Court :

1620.

Aug. 11. **Assault—Blood-drawing.** The Procurator Fiscal and George Bowman at Mylne of Auchnagat *v.* Gilbert Lawrence at the Ower Mylne of Arnage. Cautioner Thomas Cheyne of Ranestoune.

**Loosings of Arrestments.** Archibald Wod of Douwne, as assignee of Andrew Kid in Meikill Elrik *v.* Margaret Bruce, widow of Andrew Low at the Craigmill and others. Cautioner George Quhytheid, Tailzeour, burges of Abd. Claim in connection with the spuilzie of a mare.

12. William Gordoune, younger and elder, of Balgownie *v.* John Blair in Tilliekeirie. Cautioner Alexr. Blair, Freeman, Tailzeour, burges of Abd.

14. The Procurator Fiscal and Thomas Philp, Craftsman, burges of Abd. *v.* Alexr. Findlater, Litster, burges there. Cautioner James Birnie, Wobster, freeman and burges there.

17. Janet Duncane, widow of Abraham Forbes of Blaktoune *v.* John Dik in Torfines. Cautioner Alexr. Stewine in Meikle Maildroune.

19. **Removing.** Margaret Knox, widow of Gilbert Conan, consented to remove from Todellhillis in Ellon in favor of Alexr. Cheyne, burges of Abd., the proprietor.

**Loosing of Arrestment.** Mr. Robert Irving of Moncoffer and Mr. Alexr. Irving of Hiltoune *v.* Robert Joiss in Grandoune. Cautioner Wm. Robertstone, burges of Abd.

25. **Obligation. Conditions of Tenancy.** Margaret Paull, widow of Robert Watsone in Murcour, as principal, and Robert Gordoune in Blindburn of Arnage as cautioner for her, bound themselves for fulfilment to Mr. Thomas Meingzeis of Balgownie of the conditions of tenancy of her late husband's occupation of eight oxengait of Murcour.

29. **Loosing of Arrestment.** Janet Gordoune, widow of James Crichtoune of Frendraucht, and Thomas Gordoune of Grandoune, her husband *v.* John Hendrie in Muirtoune, John Thomson there and Wm. Mylne in Bognie. Cautioner George Crichtoune of Boulziestoune.

Sept. 6. **Assault—Blood-drawing.** The Procurator Fiscal and Isobel Fergusson, sister and servant to Wm. Fergusson at the Mylne of Gelcomstoun *v.* Alexr. Findlater, Litster, burges of Abd. Cautioner Thomas Gray, burges there.

12. **Loosings of Arrestments.** George Gordoune of Gicht *v.* Gilbert Cassie in Nethermuir. Cautioner Gilbert Simsone in Arnage.

14. John Keythe in Kayrntadlone *v.* James Mailling there. Cautioner David Symesone, Saidler, burges of Abd., whom Mr. Walter Andersone, "Minister of Gods word at Kynnellar," bound himself to relieve.

16. Lillas Crawford, Agnes Innes, her daughter, and Robert Innes, takisman of the lands of Cragiehill *v.* John Walker of Meikle Creichie. Cautioner Mr. James Irving, Advocate in Abd.



## Judicial Enactments: Vol. III., Contents

1620.  
 Sepr. 17. **Loosings of Arrestments.** Henry Glennie in Petmedden and Robert Abircrombie at Mylne of Petmedden *v.* James Leslie, burgess of Abd., then in Ederlick. Cautioner Adam Leyth of Drumquhendill.
20. Wm. Simsone at the Kirk of Keig *v.* John Blair in Tillikeirie. Cautioner Alexr. Blair, Tailzeour, burgess of Abd.
- Alexander, Master of Forbes, with Arthur, Lord Forbes, his father, as his tutor, and John Forbes of Brux, John Forbes of Petsligo, Wm. Forbes of Tolquhone and John Forbes of Gask, his Curator *v.* Alexr. Skein of that Ilk and his tenants of Brashlassie. Cautioner Mr. Patrick Skein, burgess of Abd. The dispute here was about the hill and muir of Tamnagowin.
21. John Knox of Knok and Micheall Symsonne at the Mylne of Knok *v.* Andrew Keillo in Coynik. Cautioner Sir Wm. Keyth of Balmure, Knight.
26. Alexr. Skein of that Ilk *v.* Alexander, Master of Forbes, and others. Cautioner Thomas Burnet of Ennets. The lands mentioned were Bogdowaltie and New-ward.
28. George Bisset in Bischopstoune *v.* Arthur Bisset in Carnetralzeane. Cautioner Angus Grant there.
- Octr. 4. George Leslie of Kincraigie *v.* Wm. Forbes of Tillikeirie, and John Clerk and Thomas Blair in Kirktoune of Touche, his tenants. Cautioner John Forbes, son of the late Arthur Forbes of Balfour and burgess of Abd. The crop on a part of the lands of Torries, "callit the Lonnings," was in dispute.
5. Barbara Knox, sister of John Knox of that Ilk *v.* Andrew Keillo in Conzeak. Cautioner Nathaniel Heriot in Boddum.
10. Patrick Leyth of Licklicheid *v.* Katherine Skeine, widow of Patrick Leyth of Licklicheid. Cautioner Robert Forbes of Tomuids.
12. Duncan Gall in Waster Bannirrell, as assignee of Wm. and Alaster Gall *v.* Andrew Roger in Balnacroft. Cautioner Thomas Gordoun of Grandoune.
13. William Ferreis in Tulliche *v.* Barbara Youngsone, widow of John Ferreis there. Cautioner Matthew Youngsone, Tailzeour, freeman and burgess of Abd.
14. **Assault—Blood-drawing.** The Procurator Fiscal, Beatrix Cuik, wife of Thomas Findlay in Baudichell, and her husband *v.* James Burnet in Fraserburgh and Thomas Burnet his son there. Cautioner John Andersone, Cordoner, burgess of Abd.
- Novr. 3. **Loosings of Arrestments.** The Procurator Fiscal and John Hay of Cremondmogat *v.* Margaret Tarwes, widow of Wm. Watsone of [?] in Haddo and Andrew and Wm. Watsone, her sons. Cautioner Wm. Tarwes in Northessies.
- Wm. Coupland in Ardine *v.* Patrick [?] Gardiner in Leffrokhillok. Cautioner Alexander Mitchell, burgess of Abd.

## Aberdeenshire Sheriff Court :

1620.

Novr. 6.     **Renunciation and Discharge.** Anna Crichtoune, Lady Meldrum, wife of Wm. Setoun of Meldrum, in favor of James Crichtoune of Frendraucht, her brother german. The lady renounced her rights to the lands of Petquhensie and discharged her claims to legitim and others from the estate of the late James Crichtoune of Frendraucht, her father, as well as under her Marriage Contract dated 19 February preceding.

8.     **Disposition of Moveables inter vivos.** Margaret Gareoche, widow of Alexr. Chesser in Glasgoforrest, in favor of Thomas Chesser and Elspet Moir, his wife. On the narrative of the disabilities of old age, and on condition of their maintaining her for her lifetime, the granter disponed to Chesser and his wife her household plenishing and farm stocking as detailed and valued in the entry.

**Loosings of Arrestments.** John Hay of Cremonmogat *v.* George Boyache in Rattrey. Cautioner David Wat in Elrick.

13.     William Richie in Eddindurnocht *v.* Gilbert Touche in Hauche of Cevilie [or Cowlie]. Cautioner Wm. Gordoun of Kennertie.

          The Procurator Fiscal and Alexr. Strauchin of Glenkindie *v.* Robert Russet in Tillibraland. Cautioner John Milne in Braland.

          Gilbert Clark, Wobster in Auld Abd. *v.* Thomas Dowass, Wobster, and Cristane Clark, his wife and daughter of the arrester. Cautioner Mr. Andrew Clark, Advocate, burgess of Abd.

          William Ogilvie in Bonitoune *v.* Robert Gray there. Cautioner George Abir-nethie there.

          James King, younger in Auchmillen *v.* Jeills Andersone, widow of Mr. Arthur Andersone of Auchmillane. Cautioner Wm. Gordoune in Auchnastink. There were special arrestments in the hands of Mr. James Elphingstoune of Bairnes and Thomas Espline, Chamerlane to my Lord Elphingstoune.

          James Birnie in Achaidlie *v.* George Wricht in Littill Drumquhendill. Cautioner John Bisset there. "Sex roks" were arrested in the hands of Wm. Forbes at Mylne of Tolquhone.

18.     **Renunciation.** James Seytoune, sometime in Tilliquhorthie, and Margaret Narne, his wife, in favor of Thomas Muttray, Fiar of Clubisgowill. Seytoune and his wife renounced the last three years of a five years lease of a croft on Pervynneis.

Decr. 9.     **Loosing of Arrestment.** James Forbes, sometime of Lethintie *v.* James Garioche of Kinstairis. Cautioner Robert Merse, Messenger in Abd.

30.     **Assault—Blood-drawing.** The Procurator Fiscal and Alexr. Peirie *v.* John Browne in Meikill Tibbertie. Cautioner Patrick Cheyne, Lax Fischer in Abd.



## Judicial Enactments : Vol. III., Contents

1621.

Jany. 3. **Loosings of Arrestments.** Wm. Ogiluie in Bonnetoune and others *v.* Wm. Horne in Cabitie. Cautioner John Straquhan, burgess of Abd.

19. Robert Forbes in Auldtoun of Meikill Wardess *v.* Thomas Ardes in Kirkhill. Cautioner Robert Gordoun at the New Mylne of Knokaspok. 50 merks was said to be arrested in the hands of John Spence of Boddom.

22. Robert Murray in Udnie *v.* Alexr. Inglan in Tillemad. Cautioner Wm. Blak, burgess of Abd.

**Removing.** Mr. Wm. Moir, burgess of Abd. and proprietor of Scottistoun *v.* Andrew Roger there. Roger admitted indebtedness for the rent of the year 1620, and consented to remove from his holding.

Feb. 8. **Loosings of Arrestments.** The Procurator Fiscal *v.* James Forbes in Kinnellar. Cautioner Duncan Blakhall, burgess of Abd.

12. Alexr. Andersone, Cordoner in Auld Abd. *v.* Isobel Kelmane there and Gilbert Merse, her husband. Cautioner John Merse, sometime in Auld Abd.

14. John Walkar of Creuchie *v.* Isobell Reid in Meikill Creuchie. Cautioner John Urquhart in Allachie.

Andrew Collie in Gawell *v.* Patrick Wobster in Bruchill. Cautioner John Urquhart in Allachie.

21. Wm. Gordone in Douchrie *v.* Alexr. Garvack in the Borrow Croft of Quaytercross. Cautioner Wm. Reid at the Milne of Wattertoun.

23. **Slaughtering Sheep, etc.** The Crown *v.* James Tawer alias Reid in Creak. Cautioner Wm. Tawer in Auchmenzie. The accused was charged with "the cruell stricking and slaying of the number of fourtein heids of sheip ane cow and ane mair pertening to James Milne in Bralen."

March 6. **Loosing of Arrestment.** James Thomsone in Cowie *v.* Alexr. Walker in Kinbethock. Cautioner Mr. James Elphinstoun of Barnes.

13. **Assault.** The Procurator Fiscal and Alexr. Phames in Countiswallis and Margaret Craig, his wife *v.* John Farquhar there and Janet Farquhar, his daughter. Cautioner Wm. Clerk in Auchlie.

14. **Loosings of Arrestments.** John Barkar, Smyth in Auld Abd. *v.* Thomas Cuming there. Cautioner George Keyth, Saidler, burgess of Abd.

21. Nicoll Peirie in Clait *v.* Bessie Davidstone in Towie. Cautioner John Mylne in Brawland.

24. George Marqueis of Huntlie *v.* Malcome Strath in New Logieauldtoun. Cautioner Patrick Meldrum, Fiar of Idene. This was in connection with a claim for the rent of eight oxengait of Knokleyth crop and year 1620.

## Aberdeenshire Sheriff Court :

1621.  
 March 24.     **Loosings of Arrestments.** Alexr. Strathauchin of Glenkyndie and Walter Toux at the Mylne of Auchnagat *v.* Alexr. Strathauchin of Touxhill. Cautioner John Stewart "Mylnewaird" at the Mylne of Auchnagat.
- Elspet Craib in Elrik *v.* Walter Toux in Auchnagat. Cautioner James Murdo in Barrak. A "wob of plaiding" in the hands of Andrew Hendersone, Wobster in Elrik, was specially arrested.
29.     **Assault—Blood-drawing.** The Procurator Fiscal and James Matthowsone in Bogheid of Balquhane *v.* George Mair at the Chappell of Gariauche. Cautioner James Andersone in Knokallachie.
- April 6.     **Removing.** Mr. Wm. Moir of Scottistoun *v.* Thomas Jamesone there, who agreed to remove from his occupation of eight oxengait of the sunny half of Scottistoun at Whitsunday following.
7.     **Removing.** Mr. Robert Irving of Moncoffer *v.* George Craigheid in Lochchills, who agreed to remove from the shadow half of these lands situated in Sanct Machair at Whitsunday following.
13.     **Renunciation and Discharge.** Isobel Setoune, wife of Wm. Setoune of Disblair, and Elspet Leask, wife of Mr. Robert Paip, Advocate in Abd., in favor of John Setoune, son of the first named lady, and Margaret Irving, his future wife. Mrs. Setoune's renunciation embraced the lands of Melvingsyd in Culsalmond and two ploughs of the third part lands of Logieruiff and Mylne of Logieruiff in Logiebuchane, while Mrs. Paip renounced the two ploughs of Logieruiff only.
14.     **Removing.** Mr. Robert Irving of Moncoffer *v.* James Cargill in Lochchills and Dorathia Udnic, his wife. Cargill and his wife were occupiers of part of the shadow half of these lands from which they agreed to remove.
19.     **Loosings of Arrestments.** Alexr. Fraser of Technurreis *v.* John Daniell in Percock. Cautioner John Morisone, burgess of Abd.
21.     Patrick Leithe of Liklieheid and Adam Leithe of Annagathill *v.* Patrick Watsone in Auchlewin. Cautioner Wm. Forbes, Fiar of Bairnis. As an example of many similar arrestments in this class of books the description here may be quoted: "the hail biging foilzie and tymmer presentlie standand upone the said Patrik his occupatione of Auchlewin sick as cuppills panis ruiffis lokis durris and winddowis."
24.     John Gordoun of Crabistoun *v.* John Watsone there. Cautioner George Johnnestoun of that ilk.
- May 1.     Wm. Philp at the Milne of Petfoddells *v.* Andrew Traill, Wobster in Wasterteun of Petfoddells. Cautioner Andrew Williamsone, elder, burgess of Abd.
2.     John Wod, Chamberlane to my Lord Marchell *v.* James Mortimer, sometime Fiar of Craigiewar. Cautioner John Edward in Pettodrie. There was a special arrestment of Mortimer's "beir and aittis presentlie in Auchquhartnie."



## Judicial Enactments: Vol. III., Contents

1621.

May 10. **Loosings of Arrestments.** Mr. Andrew Massie, Commond Procurator of the College of New Abd. *v.* Jeane Lumisdane, widow of Alexr. Chalmer of Counteswalls, Prowest of Abd. Cautioner Robert Chalmer, younger, burges of Abd. The rents of the occupants of certain crofts in the Burgh were specially arrested. These were George Scot, Alexr. Blakhall, Maltman and Gilbert Mackie, Fermorar.

12. Adam Fraser of Finnache *v.* John Thomsone, alias Souldan, and Wm. Weir in Finnache. Cautioner Wm. Gordoun of Cottoune.

James Reid of Mid Clova *v.* Thomas Thomsone there. Cautioner Alexr. Lumsden of Clova.

John Leslie of Duncanstoun *v.* George Gib in Auld Flindar. Cautioner Alexr. Barone in Brae of Strabogie.

Patrick Gordone in Corsindae *v.* Walter Mollasone in Corsindeye. Cautioner Charles Chalmer, portioner of Wester Fintray.

James Smyth, alias Chalmer, in Eister Tyrrie *v.* Isobel Smyth, widow of John Yuill, sometime there. Cautioner Alexr. Third in Carnemuir.

Wm. Leslie of Lytle Wartle *v.* George Raitt in Lytle Folla. Cautioner Alexr. Watstone, burges of Abd.

18. Patrick Leith of Quhythalche *v.* Thomas Shreff in Cairnecoische. Cautioner John Forbes, younger, burges of Abd.

Wm. Forbes of Tolquhone *v.* James Watstone in Blairfull. Cautioner James Johnstoun in Cairnebrogie.

19. Arthur Dilgarnoch of Fortrie *v.* Wm. Forsythe in the Blackhill of Fortrie. Cautioner Alex. Michell in Tillekirie.

21. Mr. John Chein of Arnage and James Chein, his eldest son *v.* Thomas Schewan in Arnage. Cautioner Patrick Strauchen of Kinnadie.

Alexr. Cuming of Culter *v.* Andrew Brabner in Lastis. Cautioner Alexr. Chalmer, younger, burges of Abd.

John Calder of Migvie *v.* John Leye, Milwart in Kinnadie. Cautioner Robert Farquhar in Newtoun of Kinnadie.

22. Helen Leithe and Mr. Wm. Forbes, "Sub-principall of the Kingis Colledge of Auld Abd.," her husband *v.* Thomas Gordone of Dilspro. Cautioner John Forbes of Milne of Melgum. There was a special arrestment in the hands of Wm. Lundsaye, burges.

**Removing.** Patrick Leith of Monthgarie *v.* Adam Gordone in the Quhythoussis of Monthgarie. James Gordone of Knockespeck was Sheriff Depute and signed the entry "Knokespek Sref deput."

## Aberdeenshire Sheriff Court :

1621.

May 23. **Removing.** Wm. Gairdin in Auchquhronie *v.* George Forbes in Tartowie. Cautioner John Wod, Bailzie in Milboy. Money was arrested in the hands of John Tailzeour in Aidiestoun.

**Removing.** Robert Forbes of Echt *v.* Adam Gordoune in Quhythous, who agreed to remove immediately from part of a croft upon Boquharne in Tillinessill.

**Loosing of Arrestment.** James Gordone, younger, of Lesmoir, George Adamson in Glenhouss and James Chrystisone in [?] Rodonis *v.* Jealls Carle in Glenhouss and Alexr. Pendriche, her husband. Cautioner James Forbes in Kinbame.

24. **Discharge of Curators.** Jean Scot, eldest lawful daughter of the late Mr. John Scot, burgess of Abd., in consideration of 300 merks paid to her by Wm. Leslie of Auld Craige, her mother's brother, discharged him and her other curators (who are not named) thereof and of their intromissions with her estate during her minority. She specially ratified a conveyance of heritage made by them to George Scot, her father's brother.

25. **Loosing of Arrestment.** George Johnnestoun of that Ilk, Alexr. Skeine of that Ilk, John Johnnestoun of Sleipiehillok, Mr. Andrew Skeine, Messenger, and Alexr. Fraser in Bogheidis *v.* Robert Johnnestoun in Corshill. Cautioner Gilbert Keythe of Auchereis. A special arrestment had been used in the hands of John Keythe of Carne-trailzeane.

**Renunciation and Discharge.** Agnes Johnnestoun, wife of Robert Johnnestoun, Baillie, burgess of Abd., in favor of George Gordoun of Gicht. The subjects of which the lady renounced her conjunct fee, liferent, etc., were the half lands of Mains of Meanie and half lands of Hatterseatt in the parish of Belhelvie. The first appearance of Thomas Gordoune of Litill Gowill as Sheriff Depute.

**Loosing of Arrestment.** Gilbert Burnet in Kirktonne of Fetteranguis *v.* John Smythe in Manes of Kindrocht. Cautioner John Andersone, burgess of Abd.

28. **Judicial Ratification.** Elspet Meldrum, wife of Andrew Meldrum, sometime of Jackstoun, then of Ardfork, ratified a contract between her husband and Robert Stewart, brother to the late John, Earl of Atholl, and Janet Leslie, his wife, dated at Aberdeen, 12 November, 1613. The contract was one for the alienation of Jackstoun in favor of Stewart and his wife under reversion.

**Loosings of Arrestments.** John Leslie of Petcapill and John Leslie, Fiar thereof *v.* Alexr. Andersone at the New Mylne of Cremond. Cautioner George Johnnestoun of that Ilk.

June 6. John Cowtis in Eister Collairlie *v.* Margaret Cowtis, his sister german. Cautioner Alexr. Scott in Waster Collairlie. There was a special arrestment in the hands of James Galloway in Collairlie.

8. John Leslie, Fiar of Balquhain *v.* Mr. John Chein of Petfiechie. Cautioner Thomas Chein of Raniestoun.

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1621.

June 9. **Loosings of Arrestments.** Alexr. Smyth in Pulee *v.* Robert Merse in Endowie and Wm. Merse there. Cautioner Duncan Blakhall in Clerkseitt.

12. John Leslie, elder, of Buchquhane *v.* Alexr. Farquhar in Knokallachie. Cautioner John Leask, burgess of Abd., whom Hectour Davidsone in Abd. bound himself to relieve.

Francis, Earl of Erroll *v.* George Hay in Ardifferaye. Cautioner Alexr. Cruickshank, elder, burgess of Abd., to whom Robert Cruickshank, also burgess, became bound in relief.

14. **Wrongs of Intromission.** The Procurator Fiscal and Gilbert Mainie in Kyneller *v.* James and Abraham Forbes there, Andrew Forbes in Tartowie and Wm. Abell in Carnetrailzeane. These persons were charged with coming to Mainie's house and "sersing seiking taking dakring and melling" with his geir.

15. **Loosings of Arrestments.** Alexr. Smyth in Pulee *v.* John Jamesone in Montgarie. Cautioner Alexr. Blair, Tailzeour, burgess of Abd.

20. Wm. Forbes of Tillikeirie *v.* Wm. Garioche in Torreis. Cautioner Alexr. Blair, Tailzeour, burgess of Abd.

23. John Leslie of Petcapill and John Leslie, Fiar thereof *v.* Gilbert Johnestoun of Peirrcismylne, John Gardyne and Thomas Mackie in Sellie, Wm. Glenny in Porterstoun, Alexr. Wobster in Boyndis, John Wobster, Robert Smyth and Alexr. Smyth at the Mylne of Porterstoun, David Follay in Bredmyre and Gilbert Jamesone in Lochetulloche. Cautioner George Johnestoun of that Ilk.

**Assault—Blood drawing.** Marjorie Makie, wife of Wm. Gellein in Blackhall *v.* Wm. Angus there. Cautioner Thomas Cargill, burgess of Abd.

30. **Renunciation and Discharge.** Elspet Mair, wife of Wm. Cruikshank in Glenmedling, in favor of Wm. Cruikshank, her son, and Elspet Shand, his future wife. The subjects embraced in the renunciation were the "Schaddow half toun and landis of Glenmedling" and pertinents in the parish of "Forge."

July 3. **Renunciation, Discharge and Ratification.** Dame Magdalen Scrimzeour and Sir Alexander Irving, Apparent of Drum, her husband, by their appearance in Court on this occasion confirmed a Contract of Excambion, dated 8 November and 5 December, 1620, between Alexr. Irvine of Drum and them, whereby they had renounced the Lands of Lonnay, Corskellie, Cairness, Sawock and others which had been provided to them by their Marriage Contract dated 2 and 30 July and , 1617, and had accepted, in lieu thereof, Forglen and Quhytfeild in Banfishire and the teind sheaves of Inverurie. Sir John Scrimzeour of Dudhope, the lady's father, had been a party to the marriage contract.

## Aberdeenshire Sheriff Court :

1621.

- July 7. **Loosings of Arrestments.** George Johnstone of that Ilk *v.* John Leslie, elder, of Petcaple, John Leslie, Fiar thereof, George Chein in Auld Mylne of Creimond, Andrew Leslie in Hill of Creimond, John Chein in Creimond, Thomas Tailzeour there and John Leslie in Hill of Creimond and the other tenants of Creimond and Thomas Tailzeour in Calf-fauld. Cautioner Alexr. Leslie of Auchquhorsk. Peats, etc., in the moss of Creimond.
- John Leslie of Boquhoine *v.* Alexr. Leslie of Auchquhorsk. Cautioner John Leslie, Fiar of Petcapill. Peats upon the part of the Hill of Auchquhorsk between Boigraxie and the Faulds of Auchquhorsk, claimed as part of the lands of Auchquorthie.
10. Alexr. Leslie of Auchquorsk *v.* George Glenny and Alexr. Glenny at the Milne of Auchquorthies and Adam Wat at the Nethir biging of Auchquorthies. Cautioner Hector Davidsons, indweller in Abd. Peats between Bograxe and the Faulds of Auchquorsk.
11. John Leslie of Petcapill *v.* George Johnstone of Caskieben, John Johnstone of New Place, John Johnstone in Inglisoun and George Johnstone of Fawells. Cautioner Wm. Blak, younger, burgess of Abd. Peats in the moss of Creimond.
- Mr. James Forbes of Hauchetoune *v.* Patrick Leithe of Mongarie. Cautioner John Leithe of Quhythauche. Peats in the moss of Meikill Endowie.
12. John Andersone in Wantounnewalls *v.* Oliver Bisset in Kirktonne of Clat. Cautioner Abraham Gardiner in Auchmenzie.
14. Alexr. Fraser, younger, of Phelorthie *v.* Wm. Keithe of Petindrume. Cautioner Robert Keyth, burgess of Abd.
- Aug. 6. **Renunciation of Succession.** Agnes Huisone, only lawful daughter surviving of the late John Huisone, burgess of Abd., for the purpose of escaping liability for her father's debts, renounced all right of succession to his estate heritable and moveable. A creditor named was Bessie Tillidaff, wife of Alexr. Rowand [or Rowane] and daughter of the late Alexr. Tillidaff, burgess of Abd. Although the young lady was 21, John Tillidaff, burgess, her mother's brother, and Andrew Huisone, burgess, her father's brother, were consenting parties along with their niece.
8. **Loosings of Arrestments.** Leonard Heatlie, servitor to John Leslie, elder, of Balquhoine *v.* Hector Davidsons, indweller in Abd. Cautioner Michael Leslie in Kirktonne of Oyine.
14. James Grant of Enzeane *v.* Thomas Couttis in Tulchaspick. Cautioner John Andersone in Bruimhill.
17. Wm. Forbes, younger, Merchant, burgess of Abd. *v.* Thomas Hervie, John and James Walkar and Andrew Leithe, younger, all indwellars in the Cruiffis. Cautioner Alexr. Forbes, portioner of Cruiffis. There was a special arrestment of "the salmone fisches young and auld presentlie saltet in their commoun corp hous and in ewerie ane of thair proper houssis."



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1621.

Aug. 18. **Loosings of Arrestments.** Alexr. Cuming of Culter *v.* James Gordoun of Knokepok. Cautioner Duncan Blakhall in Clerkseat. A sum of £40 was arrested in the hands of Wm. Cordoner, Advocate in Abd., "quhilk was restand awand be James Barnet in Hillafaulds to John Johnestoun sumtyme in Maiddencrage and now in Pettingoullis quhilk sowme of fourtie pundis apperteins to the said James Gordoun as he quha hes obtenit decreit agais the said James Barnet and the said John Johnestoun for his entress as debitor debitoris."

Thomas Hervie, John and James Walker and Andrew Leithe, all in the Cruives *v.* Wm. Forbes, younger, burgess of Abd. Cautioner Baillie Thomas Forbes.

25. John Reid in Tallireauche *v.* David Fergus in Muirtoun of Corss. Cautioner Patrick Bishop of Abd., appearing by Mr. Robert Paip, his procurator.

31. Andrew Meldrum of the Muirs of Fywie *v.* Magnus Mowat of Bolquhollic. Cautioner James Mowat of Smiddiescitt. Peats in the moss of Blachrie.

Sept. 1. James Ogiluie of Auchleuchreis *v.* Alexr. Wilguiss, John Gellan, George Blak and Patrick Gellan, all in Tillibreks. Cautioner John Gray at the Mylne of Leask. Peats within the marches of Waster Auchleuchreis.

5. John Forbes of Petsligo *v.* John Gordoun, elder of Craige, John Gordoun, Fiar thereof and their tenants of Clynkistoun. Cautioner John Mylne, occupier of two ploughs of Braland. There was a special arrestment of "sic cornes as is sawin in the Howe of the Meikill Slak of Fawdlyng."

6. Wm. Setoun of Meldrum *v.* Patrick Gordoun, brother german of Sir Alex. Gordoun of Cluny, Knight. Cautioner Sir Alexr. Gordoun. Corns standing in the yard of Cattye.

11. Wm. Leslie of Lyttill Warthill *v.* Wm. Rait in Lyttill Fola. Cautioner John Chalmer, burgess of Abd.

Robert Crichtoun of Condland *v.* James Birny, Wobster, friemane of Abd. Cautioner John Malice, also Wobster, friemane there. There had been arrested 20 ells of Dornick cloth in the hands of James Ingrahame in Thomastoun.

12. Thomas Mylne in Carnebulge *v.* Margaret Jaffray, widow of Robert Mylne in Inverallachie. Cautioner Thomas Hay, tenant and indwellar in Pettoullis.

14. John Forbes of Petsligo *v.* John Leslye of Wardes and his tenants of Wardes and Diniduir. Cautioner John Urrey, burgess of Abd. Peats, etc., cast and corne sown on any part of Meikill Wardes.

22. Arthur, Lord Forbes *v.* Sir Alexr. Gordoune of Clunie and Duncan Brek, Robert Smyth and Robert Moir in Greinburne his tenants, and also Wm. Gordoune of Sauchin and his tenants of Meikill Sauchin. Cautioner Donald Farquharson of Tilligarmond. The corn sown upon the "muir callit the commone muir of Gilhadrik" had been arrested.

## Aberdeenshire Sheriff Court :

1621.

- Sept. 27.     **Loosings of Arrestments.** John Gordoune of Craig and John Gordoune, Fiar of Craig *v.* "the richt honorable" John Forbes of Petsligo and his tenants of Wardes, Leuchlybrae and Lergy. Cautioner George Keith, Portioner of Petindrum. Peats and corn arrested.
29.     Alexr. Fraser of Forrest *v.* Thomas Fraser of Streichin, Patrick Chalmer at the Milne of Streichin and John Smythe at the Walk Milne of Streichin. Cautioner Mr. Thomas Davidsone, Commissary Clerk of Abd. The crop upon "the pleuche hill of Faichlee" had been arrested.
- Octr. 2.     Andrew Meldrum of the Muiris of Fyve *v.* John Horne of Balgownie. Cautioner Magnus Mowat of Boquhollie. Peats in the moss of Blachrie.
4.     John Leslie of Wardes *v.* John Forbes of Petsligo and the tenants of Myrtoune and Meikill Wardes. Cautioner John Hogsteine, burgess of Abd. Peats in the moss of Grugeithe were specially arrested.
8.     Thomas Forbes, burgess of Abd. *v.* David Hervie in Gaitsyd of Murthill and James Barclay and Archibald Hervie in Auldfauld of Murthill. Cautioner Richard Watsone, burgess of Abd.
10.     Alexr. and George Glenny at Mylne of Auchquhortheis, John Leslie, Fiar of Balquhane, Adam Watt and Wm. Tailzeour in Nether biging of Auchquhortheis *v.* Alexr. Leslie of Auchquhortheis and Walter and George Senzeours there. Cautioner Patrick Gordoune of Birmoir. A special arrestment of faill and dowattis cast upon the South side of the "burne callit Burne Irve."
11.     The Procurator Fiscal and Robert Keyth of Auldmad for his interest *v.* Edward Reid in Baukwall [or Bankwall]. Cautioner Thomas Cowie, elder.
19.     John Hendersone in Auchedlie *v.* John Cassie in Lytle Aysie. Cautioner Robert Skeine, burgess of Abd.
20.     John Gordoune of Tilleelt *v.* Robert Johnstoun at the Kirk of Tarves. Cautioner Robert Murray at Kirk of Udnie. Crop upon the land of Braiklay Tarves arrested.
23.     Thomas Fraser of Streichin *v.* Andrew Fraser in Haltoune of Forrest, Nicolsone and Andrew Gaw there. Cautioner Alexr. Fraser of Technuirie. Crop sown upon the Hill of Mormond.
24.     George Barclay of Auchredie *v.* Harie Barclay in Sancher. Cautioner John Leslie in Weittis.

Sir Alexr. Gordoun of Cluny, knight, and William, Lord Gordoun of Sauchine *v.* Arthur, Lord Forbes, Thomas Burnett of Ennattis and their tenants in Ordyfork, Owerscheall, Nether Scheall, Bankheid and Manelie. Cautioner John Forbes of Edinbanchrie. Crop on "Gilherik." [*Vide* 22 Sepr. *supra*].

## Judicial Enactments: Vol. III., Contents

1621.

Octr. 27. **Discharge of Arrestment.** Bessy Raye, widow of Wm. Dune, burgess of Abd., appeared and discharged in favor of Charles Kellie, sometime in Pettismilne, all arrestments used by her against him, and specially those in the hands of Gilbert Jhonstoune of Isaakstoune and Gilbert Jhonstoune of Pettismilne.

30. **Loosings of Arrestments.** John Keithe in Carnetrailzean v. Wm. Hunter there. Cautioner Wm. Hunter in Auchquhorsk, his son.

Novr. 7. John Irving of Haltoune and Alexr. Aidie, "Milnart" v. Gilbert Broune, Messenger. Cautioner James Makesone in Litle Endovie.

10. Nicolas Ross, Cordoner, burgess of Abd. v. David Chalmer, John Andersone, Wm. Spence, Gilbert Thomsone and Alexr. Hall, all Cordoners, burgesses of Abd. Cautioner Wm. Forbes of Barnes.

**Judicial Ratification.** Isobel Cheyne, wife of John Bruce of Grayesfortrie in the parish of Ellon, here ratified a wadset of these lands, granted by her husband to George Bruce, Sadler, burgess of Abd., for the relief of the latter, who had become cautioner for John Bruce in an obligation, granted by him to Gabriel Lithgo, Meassone in Abd., Robert Cruickshank, burgess there, and the heirs of Alexr. Pirie, Wreicht there.

**Renunciation and Discharge.** In consideration of the sum of 1200 merks paid to them by Alexander Lyone of Bracka, who had, as assignee of James Gordoune of Bracka, right to redeem the subjects, John Petrie, sometime in Cuhyris of Bolquhane, but then in Quhytwalls, Marjorie Gordoune, his wife, and Mr. Wm. Petrie, their eldest son, 22 years of age, acknowledged to be redeemed the subjects following, viz. : Quhytwalls, Bruimfauld, Farquhars Croft, Pypers Croft and Mortimers Croft, all in the parish of Logiedurno. Bruimfauld was described as lying on the West side of the corn yard of Bracka. The entry is of considerable length, and contains various other particulars of the transaction.

12. **Loosings of Arrestments.** John Farquharson in Tillecairne v. Thomas Esplein in Newbiging. Cautioner Alexr. Reid in Drumnahuiff.

14. Katherine Fraser, widow of Wm. Forbes of Corsindaye v. Patrick Gordoune in Corsindaye and also Wm. Younge there, John Elmslaye there, Robert Paton there and Walter Molyson there. Cautioner for Gordoune Robert King in Auchmilane and for the others the said Patrick Gordoune.

**Assault—Blood-drawing.** The Crown v. James Forbes in Kinellar. Cautioner John Moir in Kairnetraidlzean. The party said to be assaulted was John Able in Kinellar.

15. **Loosings of Arrestments.** Mr. Wm. Forbes, Minister at Kindriminie v. Mr. Wm. Davidsone, Minister at Auchindoir. Cautioner Mr. Thomas Davidsone, Commissary Clerk of Abd.

17. James Smyth in Peterheid v. Patrick Farquhar, burgess of Abd. Cautioner Alexr. Hall, Cordoner, burgess of Abd.



## Aberdeenshire Sheriff Court :

1621.

- Novr. 21.     **Loosings of Arrestments.** Katherine Fraser, widow of Wm. Forbes of Corsindaye *v.* John Crombie and others in Balwack. Cautioner Wm. Forbes of Monymusk.
23.     Bessie Chalmer, daughter of the late John Chalmer of Fintray *v.* Isobel Chalmer, her sister. Cautioner Arthur Chalmer, burgess of Abd.
27.     John Calder of Newtoun *v.* Wm. Ronald in Easter Migvie. Cautioner John Gordoune of Auchterellone.
28.     George Tavidall in Rene, John Tavidall and Janet Tavidall in [?] Bankinenter *v.* Margaret Andersone, widow of Andrew Tavidall in Glenniestoun. Cautioner Thomas Watson, Messone in Auld Rain.
27.     Wm. Leslie of Ryhill *v.* George Archibald alias Leith in Buchanstone. Cautioner Andrew Archibald, Chirurgiane in Auld Craige.
- Decr. 3.     Mr. Wm. Davidsone of Ord *v.* James Forbes, sometime in Fieddie. Cautioner Duncan Blakhall in Clerkseatt.

6.     John Forbes of Petsligo *v.* Alexr. Wood in Auchindarge, Wm. Spence in Mekill Tibbertie, Isobel Marr there and Robert Hardie there. Cautioner Robert Spence in Mekill Tibbertie. The Laird of Petsligo was here suing as assignee to Anna Forbes, "Ladie Foverane."

12.     Margaret Dickie in the Over milne of Kintoir *v.* George Black in Nethirtoun of Knockinblewis. Cautioner John Black at the Chappell of Garioch.

**Horse Stealing.** The Procurator Fiscal *v.* George Hay, sometime in Miltoun of Birnes. Cautioner Wm. Keith in Gavall. The charge was of stealing "ane broune naige from George Gordoune of Gicht and Thomas Torrie in Maines of Birnes."

**Loosings of Arrestments.** Patrick Leythe of Mongarie *v.* Adam Gordoun in Fulzemont. Cautioner John Gordoun of Crag of Auchindoir.

13.     Mr. Alexr. Keythe of Bankwall *v.* Edward Reid, sometime in Bankwall, but then in Brigend of Tyrie. Cautioner Thomas Cowye, elder, burgess of Abd.

15.     Thomas Cheyne of Rainystoun *v.* Wm. Milne in Drumrossie. Cautioner Wm. Forbes, Fiar of Barnes.

29.     Alexander and Henry Annand *v.* Archibald Mar, Serjand in Abd. There had been arrested four bolls of beir in the hands of Alexr. Blackhall, burgess of Abd.

1622.

Jany. 5.     Robert Clerk in Ouchmull *v.* James Smythe, younger, in Perslaye. Cautioner James Smythe in Perslaw. Ten marks arrested in the hands of Gilbert Gordone in Kintoir.

14.     George Lamb in Over Rothie *v.* James Smythe in Camaloun. Cautioner Alexr. Hervie, burgess of Abd.



## Judicial Enactments : Vol. III., Contents

1622.

Jan'y. 15. **Loosings of Arrestments.** Mr. Wm. Forbes of Cragiewar *v.* Alexr. Forbes at the Milne of Towie. Cautioner John Johnstoun in Inglishtoun.

22. George Ogstone of Auchmacludie *v.* Edward Michie in Auldtoun of Auchiries. Cautioner Alexr. Fraser in Memsie.

26. "The Masteris and Memberis of the New Colledge of Abd. callit Marchiall Colledge" *v.* Jean Lumsden, widow of Alexr. Chalmer, sometime Provost of Abd. Cautioner Alexr. Chalmer, burgess, her son. Special arrestments had been made in the hands of George Scot, Alexr. Blackhall and Gilbert Makie, burgesses. [*Vide* 10 May, 1621, *supra*.]

Feb'y. 1. **Obligation for Upkeep of Houses.** Three tenements on the east side of the High Street of Old Abd., of which Marjorie Vaus, widow of Duncan Barkar there, had the liferent, had been comprized at the instance of George Bruce, Saddler in Abd., for 500 merks. John Barkar, "Citiner in Auld Abd., now became cautioner that the widow would at her death leave the property "in as guid estait and valor as the samen was comprysit."

7. **Loosings of Arrestments.** Robert Skeyne of Tullibrak *v.* Patrick Foulter in Drumnaheithe. Cautioner Alexr. Thomsone, occupiar of 8 oxengait of Hilforrest.

20. James Gordoune of Blairnedinnie *v.* John Walkar there. Cautioner Patrick Gordoune of Kirkhill.

25. William Troupe of Belnacraige *v.* Thomas Andersone in Belhangie. There was a special arrestment here of the "timber of his" (Andersone's) "occupatioun of the saids Lands of Belhangie sick [as] pannis ruiffis postis forekis teillis lockis dores windowes." Cautioner Sir Alexr. Gordone of Clunie, knight.

**Assault—Blood-drawing.** Alexr. Leslie, lawful son of John Leslie, elder, of Balquhane *v.* John Leslie of Bادهforray. The assault was said to have been committed on the lands of Balquhane during the current month "with ane daiger." Cautioner Robert Crichtoun of Condland.

26. **Loosings of Arrestments.** Constantine Brune in Cartmyrs *v.* Andrew Robert-sone in Kirktonne of Tyrie. Cautioner Thomas Robertsons of Douhills [or Donhills].

28. Patrick and Nicol Ross of Auchlossin *v.* Patrick Irving, Messenger in Carnebady. Cautioner Robert Gordoune in Torquhunlachie.

March 6. **Renunciation of Occupation.** James Burnet, Maltman in Frasersbruche, renounced a croft there called "Kinnards fauld," in favor of Archibald Ramsaye of Culsche.

**Loosings of Arrestments.** Alexr. Younge in Fingask *v.* Isobel Keythe in Fraserburgh. Cautioner Alexr. Andersone, burgess and "Wrecht" in Abd.

18. Patrick Con of Crewlen, Baillie to Francis, Earl of Erroll *v.* George Blak in Wasbirnes. Cautioner George Walker, occupiar of 8 oxengait there. 400 merks in the hands of John Moresone, burgess of Abd., was specially arrested.

## Aberdeenshire Sheriff Court :

1622.  
Mar. 25. **Assault—Blood-drawing.** George Bourlay in Inverourie *v.* Wm. Daudsone in Auld Harthill. Cautioner Hector Daudsone, Maltman in Abd.
26. **Loosing of Arrestment.** Patrick, Bishop of Abd. *v.* George Mathesone in Kinkell. "The tymber of the houssis kill and killbarne, meadowes hayning and hauch grund" were specially arrested. Cautioner Alexr. Mathesone, burgess of Abd.
- April 6. **Renunciation of Occupation.** James Burnet, Maltman in Frasersbruche, renounced his rights to "Mowats hillocks lyand on the Shaddow syd of Frasersbruche withe the peice weit land lyand as said is togidder with the outsted houssis, &c., lyand betuixt the Bredsea & Kynnards Heid." The renunciation was made in favor of James Cheyne in Aucheiries, Wm. Dowertie in Fingask, Sir Alexr. Fraser of Frasersbruche, knight and Alexr. Fraser, domestic servant to the said Sir Alexander, according to their respective rights.
13. **Loosings of Arrestments.** George Norie and John Kandachie in Coulls *v.* Abraham Milne in Coclarachie. Cautioner James Milne there.
- Gilbert Ronaldsone in Blackhillock *v.* Alexr. Ronaldsone and John Thomsone in Leddauche. Cautioner Alexr. Norie in Leddauche.
17. Wm. Leask of that Ilk *v.* Edward Adamsone at the Milne of [sic] Tiwertie. Cautioner George Adamsone in Blairtoun. Corn standing in Knapisleask was specially mentioned.
26. William Lyndsay, burgess of Abd. *v.* James Moresone, brother of Thomas Moresone in Auld Gowell. Cautioner the said Thomas Moresone.
- May 1. Alexr. Murray in Jakistoun *v.* Patrick Chessour there. Cautioner Magnus Mowat in Yewbraye.
8. **Renunciation and Discharge.** This was a renunciation by Helen Hay, consented to by her husband, Alexander Gordoun in Elrick, of the lands of Elrick in the Parish of Deir, in favor of William, Lord Keith, &c. The wife appeared in Court, while the husband gave his consent in the dwelling-house of Robert Keith, burgess of Abd.
11. **Loosings of Arrestments.** John Innes in Elphine *v.* Alexr. Cheyne in Auld Abd. Cautioner Alexr. Buchan at the Milne of Brigfeildes.
16. Alexander Forbes of New *v.* Patrick Geall in Tullochespick. Cautioner George Scott, burgess of Abd. The specification of timber work here included "porpell walls" [partitions].
22. **Renunciation and Discharge.** Margaret Murray, wife of Wm. Spens at the Milne of Williamstoun, appeared to renounce in favor of "ane noble and potent Lord, David, Vicont of Stormonthe," all her rights of [?] Baighall in the Lordship of Scone and County of "Pearthe."

## Judicial Enactments : Vol. III., Contents

1622.

May 22. **Loosing of Arrestment.** Margaret Innes, lawful daughter of the late Robert Innes of Meikill Elrick *v.* Wm. Couper at the Milne of Elrick. Cautioner George Petrie in Meikill Elrick.

25. **Renunciation and Discharge.** This entry refers to the marriage settlements of Elizabeth Campbell, daughter of Sir Duncan Campbell of Glenurquhaye, knight, and his wife Dame Elizabeth Sinclair, on her marriage to Robert Irving of Feddraucht, son of Alexr. Irving of Drum. The amount to be paid to Irving of Drum as tocher was 11,000 merks. The date of the marriage contract is not given, but a bond for the amount of the tocher had been granted by Sir Duncan Campbell and his son, Colin Campbell, Fiar of Glenurquhaye, in favor of Elizabeth Campbell, on 23 April, 1619. In respect of that obligation she now gave a full discharge and renunciation, not only of the obligations in the marriage contract but of her legitim and all other claims "except and allways the benevolence and guidwill" of her father, mother and brother. Her husband, as usual in these cases, then appeared and confirmed his wife's act.

27. **Loosings of Arrestments.** George Gordoune at the Kirktoune of Tilenessill *v.* Andrew Clerk in Terpersie. Cautioner Mr. Andrew Clerk, Advocate in Abd.

29. Robert Lumsden, younger of Cuschnie *v.* Robert Morgne in Cuschnie. Cautioner Mr. Robert Udnie of Lambingtoune.

**Assault—Blood-drawing.** The Procurator Fiscal and Andrew Davidstone at the Doip Mylne *v.* John Peirie in Essilmont. Cautioner John Hoig in Rubislaw.

30. **Removing.** Alexr. Hervie in Watertoune, as principal takisman under Andrew Fraser of Stenniewod *v.* Wm. Reid at the Milne of Watertoune, who consented to remove on Whitsunday Even. Reid farther bound himself to leave the Milne, Milne houses and other houses as good as they had been at his entry, at the sight of Thomas Pirie at the Milne of Dilsproe and John Simsone at the Milne of Sklettie or to pay deterioration. He also admitted being due for rent crop 1622 46 merks, 5 capons at 6/8 each and 5 bolls and 1 firiot of meal. A similar entry follows regarding the Milne Croft of Watertoune.

June 1. **Loosings of Arrestments.** George Gordoune of Tilenessill *v.* John Leithe in Cuteswalls. Grain on the "toune of Collquhirnie." Cautioner Wm. Clerk in Auchlie.

John Chalmer in Drumbulge and James Gordoune of Knockaspak, his tutor *v.* John Watt in Drumbulge and James Hendrie there.

5. Wm. Forbes of Monymusk *v.* Robert Smythe in Coullie. Cautioners James Smythe, Saddler, burges of Abd. and Thomas Collie in Fetterneir.

Alexander, Earl of Dunfermling, Lord Fyvie and Urquhart *v.* John Watson in Hill of Pettie. Cautioner Alexr. Cheyne, burges of Abd.

John Fraser of Meikill Elrick *v.* William Wilsone there. Cautioner Alexr. Donaldstone in Tollie-Arnage.

## Aberdeenshire Sheriff Court :

1622.

- June 6. **Loosings of Arrestments.** James Kie at the Milne of Forrest *v.* John Steivensone at the Milne of Turreff. Cautioner Wm. Forbes, burgess of Abd.

Gilbert Meingzies of Petfoddells *v.* Thomas Earnsyd in Coulie. Cautioner Wm. Earnsyd in Tillimad who signed "Irnsyd."

Wm. Scuttertie in Clochorbie *v.* Marjory Forbes, widow of Robert Shand in Clochorbie. Cautioner Wm. Copland of Arden.

7. Wm. Forbes of Blair *v.* James Muirison in Kinguidie. Cautioner George Bruce, Saddler, burgess of Abd.

George Ker in Benwalls *v.* Andrew Gammak there. Cautioner Wm. Petindreiche in Cortaillhoussis.

8. Mary Cruckshank, liferentrix of the two part of Rothmaes, George Leslie, her husband, and John Gordoune, her son *v.* John Garden in Rothmaes. Cautioner Robert Garden, liferenter of 4 oxengait of Tocherfuird.

10. Mr. Wm. Andersone [probably the Sheriff Clerk], Wm. Lange, his son-in-law, and Bessie Andersone, his wife *v.* Elspet Thorntoune, widow of John Lange, burgess of Abd. Cautioner David Ronaldsone, burgess of Abd., whom Patrick Lange or Layng bound himself to relieve.

John Chalmer in Drumbulge and James Gordoune of Knockaspack, his tutor *v.* George Milne in Haltoune of Drumbulge. Cautioner John Gordoune of Haltoune of Drumbulge.

12. **Renunciation and Discharge.** This and the following entries bear upon the purchase by Dr. Arthur Johnston of his house in the Gallowgate, which is described in the text. Isobel Burnet, widow of John Burnet, burgess, appeared and renounced her conjunct-fee, liferent or any other right, which she had or might claim "in favores of Mr Arthur Jhonestoune Doctor of Physick, and Marie Cagnoncle his spous now heritable proprietars and conjunctfiers" of the property.

**Loosings of Arrestments.** Alexr. Graye, burgess of Abd. and Isobel Corsser, his wife *v.* Thomas Burnet, burgess of Abd. Cautioner Alexr. Andersone in Tillenturk, whom Mr. Wm. Burnet, Minister at Kinarnie, bound himself to relieve. Graye and his wife were creditors of Burnet in the sum of £200 and £80 of liquidate expenses. In security they used an arrestment in the hands of "Mr Arthur Jhonstoune Doctor of Physick" of 1600 merks said to be due by him to Burnet, which was doubtless the price or part of the price of the house in the Gallowgate.

James Jhonstoune in Isaakstoune *v.* Mr. Wm. Burnet, Minister of Kinarnie. Cautioner Patrick Skeyne [of or in] Baindindodde. There was an arrestment here also in Dr. Arthur Johnston's hands of £1000 "less or mair" in security of 300 merks claimed from the Minister at Kinarnie.

James Gordoune of Knokespak *v.* John Williamsone in Fywie. Cautioner Mr. Robert Elphinstoun of Kinbroyme.



## Judicial Enactments: Vol. III., Contents

1622.

June 12. **Loosings of Arrestments.** Alexr. Calder of Assloun v. Alexr. Duncan in Little Endovie. Cautioner George Garioche, portioner of Kinstair.

13. Wm. Narne in Bogstoun, Duncan Narne in Knokisoull and John Calder of Eister Migvie for his interest v. Alexander Bruce in Grodie. Cautioners Alexr. Forbes in Lairnie and Wm. Forbes in Pettalachie, the latter of whom bound himself to relieve the former. In addition to the usual obligation that the arrested effects should be forthcoming, the cautioners bound themselves that Bruce should "do ressonne to Lord and ground as accords of the law and all that he aucht to do be law and ressonne."

James Robertsons at the Milne of Culquhork v. Alexr. Forbes in Learnie. Cautioner Arthur Forbes of Cuschnie.

14. George, Marqueis of Huntlie, &c. v. Mr. Alexr. Gordoune, Minister at Glenmuck. Cautioner Thomas Gordoune at the Milne of Ardgeithe. Peats, &c., which the Minister had cast both in 1621 and 1622 "in the Moiss and correis of Braychelic."

**Renunciation and Discharge.** In this entry is contained the acknowledgment by Robert Couttis of Auchtercoull that he had received from Wm. Gordoune of Abirzeldie 10,000 merks for the redemption of the lands of "Eistoun with the pendicles of the samen callit Knowheid and Indago" in the parish of Tarlane and Barony of Abirzeldie, which had been wadset by Gordoune to Couttis.

**Loosing of Arrestment.** Patrick Gell in Grodie v. Arthur Forbes in Miltoun of New, brother german of Wm. Forbes of Tornaveine, who was cautioner for him. 250 merks in the hands of Patrick Leslie of Flinder.

**Renunciation and Discharge.** Annas Keithe, wife of Adam Gordoune of Boigholl in the parish of Saint Machar, appeared and renounced her rights to Boigholl and also to the astricted Multures of the Barony of "Bissopeshyr lyand on the northe syd of the water of Done" in favor of John Duff, burgess of Abd., to whom the lands and others had been alienated.

**Loosings of Arrestments.** John Keithe of Carnetraidzlain v. Wm. Collie in Ardcharrall. Cautioner Alexr. Williamsone, burgess of Abd.

Mr. George Leslie in Birsackis Milne v. John Gordoune in Feddie. Cautioner Wm. Forbes in Auchincleche.

17. John Leslie of Petcapill v. George Baird of Auchmedden. Cautioner Mr. Gilbert Baird in Auchmedden.
18. **Removing.** Thomas Meingzies of Balgownie v. Mr. Thomas Gordoune sometime in Kethockismilne. With consent of Alexr. Hervie in Inverurie and George Midltoun "ane of the ordinar Clerks of the Commissariot of Abirdein," his curators, Gordoune granted himself orderlie removed from the Milne as at Whitsunday preceding.

## Aberdeenshire Sheriff Court :

1622.

June 18. **Loosings of Arrestments.** George Cuschnie, "Blindman at the Brig of Done,"  
v. Alexr. Cuschnie, "Blind Wirlar,"<sup>1</sup> son of John Cuschnie, Tailzeour in Meikill  
Fynnersie, who was cautioner for him.

19. James Gordoune, apparent of Lesmoir v. Adam Gordoune, sometime of Boigholl.  
Cautioner John Walkar of Creichie. 9000 merks [probably the price of Boigholl] in  
the hands of John Duff, burgess of Abd.

**Judicial Ratification.** Sir Alexander Hay of Delgatie, knight, had wadset his  
lands of Ashalloche in Croudane to George Hay, third lawful son of Alexr. Hay of  
Brunthill. This alienation his wife, Dame Isobel Leslie, now consented to and ratified.

17. **Loosing of Arrestment.** John Youngsone in Auchmalidie v. Gilbert and  
Andrew Low there. Cautioner Arthur Forbes, burgess of Abd.

20. **Renunciation and Discharge.** The lands were the lands of Ardfork and Tempil  
lands of Ardfork in the parish of Bethelnie and Barony of Meldrum. Elspet Meldrum,  
wife of Andrew Meldrum of Ardfork, here renounced her rights in favor of Wm.  
Seatone of Meldrum.

22. **Loosings of Arrestments.** John Moir in Gask of Crudane v. James Daniall  
in Kinknockie. Cautioner Wm. Daniall in Perckok.

John Scot in v. Wm. Smythe in Ardune. Cautioner Andrew Johnstoune,  
Meassone in Abd.

27. Alexr. Calder of Asloun v. John Clerk in Baphluige. Cautioner Alexr. Lawsone,  
Tailzeour in Kinraigie.

22. James Forbes of Hauchtoun v. Wm. Gariauch of Tillichettill. Cautioner Robert  
Merser, Messenger, burgess of Abd.

July 3. **Renunciation and Ratification.** By her appearance on this day Helen Cheyne,  
wife of Wm. Udney of that Ilk, renounced any rights she might have to, and ratified the  
alienation of Mains of Udney, Killinortoune and Tilleave to Wm. Setoune of Mownye,  
elder, in liferent, and failing him to Wm. Setoune, younger, his eldest son. The  
parties to the contract, which was dated 22 June and 3 July then current, were, on the  
one part, Wm. Udney, his brothers, Mr. Robert and Mr. Alexander, his wife and  
Meatie [Matilda] Gordone, his mother-in-law; on the other part, Wm. Seatone for  
himself and his eldest son.

6. **Loosing of Arrestment.** Henry Smart in Kintoir v. David Andersone there  
and Robert Andersone, his son. Cautioner Wm. Forbes in Kimmundie. Peats in the  
Commonty of Kintoir.

<sup>1</sup> This word has not been found elsewhere, but was probably meant to describe a  
stunted or diminutive individual whom in these days we would probably call in local phrase  
an "object."

## Judicial Enactments: Vol. III., Contents

1622.  
July 12.     **Removing.** George Gordoune of Coclarchie *v.* John Chalmer, sometime at the Milne of Over Blairtounne, then in South Colpnaye. Chalmer granted himself lawfully removed, as at Whitsunday in favor of Gordoune, as heritable proprietor of the Milne, &c.
15.     **Loosings of Arrestments.** John Frame in Torphins *v.* John Dick there. Cautioner James Clerk, Wobster, burgess of Abd.
19.     Thomas Meinzie of Balgownie *v.* Mr. Thomas Gordoune, sometime in Kethocks-milne, then in Ariburne. Cautioner Gilbert Hervie, burgess of Abd.
- Alexr. Ramsay in Kirktonne of Echt *v.* Arthur, William and Alexander Monecht in the Manes of Monecht, as intromitters with the effects of the late Wm. Monecht there. Cautioner Robert Forbes of Tilleoche.
20.     John Davidsone in Blachillock *v.* Edward Youngsone in Little Gicht. Cautioner Wm. Pratt, occupier of 8 oxengait there.
- Sir Alexr. Hay of Delgatie *v.* Alexander, Maister of Forbes, and his tenants of Meikill Fintraye. The peats, &c., in the moss called the "reid" moss in the parish of Turreff. Cautioner John Mitchell in Snaw Place.<sup>1</sup>
31.     John Calder, Merchand *v.* Margaret Sandie in Culsche of Feddrett, widow of Patrick Fynn timer in Culsche, sometime in Brucehill. £40 in the hands of John Brydie in Baithleme.<sup>2</sup> Cautioner Wm. Fynn timer in Greinness.
- Augt. 2.     Wm. Murdo in Inverchumbrie *v.* Wm. Daniell in Perckok. Cautioner James Daniell in Kinknockie.
6.     Mr. Wm. Forbes of Craigiewar *v.* Robert Cruickshank in Seattis, Andrew Simmer, James Simmer, Thomas Davidsone, John Beiddie, John Garden, Henry Arbuthnot and Gilbert Suape all in Disblair. The defenders had been cutting peats on the lands of Fintraye on the south side of the "Reid burne." Cautioner Wm. Setoune of Disblair.
- Alexr. Skeyne, portioner of Tulloche *v.* George Petrie in Migvie. Cautioner Thomas Cowtis, Messenger and occupier of 4 oxengait of Migvie.
9.     Wm. Gordoune of Abirzeldie *v.* Duncan Makwilliam in Kirktonne of Glentanner. Cautioner Thomas Elmslaye in Glentanner.
13.     **Tutory.** John Leslie of Wardes, having been appointed Tutor Dative to John Gordoune, eldest lawful son of the late John Gordoune, apparent of Avachie, found Gilbert Leslie, burgess of Abd., cautioner for his faithful exercise of the office. The date of the gift was 1 July, 1622.
14.     **Loosings of Arrestments.** John Leslie of the Cheppell *v.* Andrew Archibald, alias Leithe, in Auld Craig. Cautioner Hector Davidsone, burgess of Abd.
10.     James Watsone in Newtounne of Sheiwes *v.* David Cone in Kellie. Cautioner Robert Pirie in Justice Milnes.

<sup>1</sup> Probably in Old Aberdeen.

<sup>2</sup> Now Bedlam.



## Aberdeenshire Sheriff Court :

1622.

- Augt. 28.     **Curatory.** Mr. Arthur Jonston, Doctor of Physick, on the narrative that he was "passing out of the realme and uncertane of his returning," appointed Mr. Duncan Forbes of Balnagask, John Forbes, his eldest lawful son, and Gilbert Jhonstoune of Forresterhill as Curators *ad lites et negotia* to his children, "James Lodvice Nicolas and George, Marie and Susanna." The entry was signed by him (with the letters D.M. after his name) and by the Sheriff Depute.
30.     **Loosings of Arrestments.** Wm. Leslie, burgess of Abd. *v.* John Stot, Flashour there. Cautioner John Troup, burgess there.
- Septr. 5.     Mr. James Forbes of Haughtoune *v.* Thomas Duncane in Montgarie. Cautioner David Simsone, burgess of Abd.
7.     Andrew Meldrum of Muirs of Fyve *v.* Patrick Cheyne in Kairthin. Cautioner Thomas Cuming, citizen in Auld Abd.
- John Meldrum at the Milne of Saoock *v.* Magnus Smythe in Creimound. Cautioner Wm. Haye in Nethirtoune of Creimondgorthe.
- John Chalmer of Balnacraige *v.* Patrick Aidie in Stranduff. Cautioner Thomas Fraser in Auld Beltie.
10.     James Gordone of Knockaspak *v.* Alaster McAndrew in Steagamache. Cautioner Peter Schewane, burgess of Abd.
17.     John Gordoune of Craibstoune *v.* James Andersone alias Walkar in Milnehill. Cautioner James Strachyne, Merchand, burgess of Abd. The crop growing upon the "pownd fauld of Sklaittie."
19.     George, Robert and John Mitschell, "bairnes to umquhill Chirstie Mitschell and Alexander Maister of Forbes for his entres" *v.* Mr. John Duncane in Rynn timer. Cautioner Gilbert Stevine, burgess of Abd. The crop upon Barflet.
20.     Patrick Sinclair of Auchrenie *v.* Wm. Robertstone in Skillimarnoe. Cautioner Robert Keith of Auldmad.
21.     John Cadell of Migwie *v.* Charles Dun in Kinkell. Cautioner Walter Dun in Mamewlay.
27.     **Renunciacion and Ratification.** Meatie [Matilda] Gordoune, widow of Wm. Udnie of that Ilk, and Helen Cheyne, wife of Wm. Udnie, sometime of that Ilk, then of Tillieave, by this Act renounced their rights (1) in the lands of Tillirye conveyed by Wm. Udnie on the same day to John Setoune of Minnes and (2) in the lands of Minnes, Crabidonald and Auchlowne, formerly conveyed to him. The widow also ratified a conveyance granted by her on that day in favor of Wm. Udnie of the lands of Tillieave.
28.     **Loosings of Arrestments.** George Baird of Auchmedden *v.* Thomas Bruce in Petnacadell. Cautioner John Bruce, Merchant in Petnacadell.
- Octr. 5.     John Gordoune of Auchterellon *v.* John Mackcolmie in Brumhill. Cautioner Wm. Reauche in Waster Brayroddack.



## Judicial Enactments : Vol. III., Contents

1622.

Octr. 8. **Loosings of Arrestments.** Robert Hunter in Brumhill *v.* Thomas Johnstoun in Waster Towmads. Cautioner James Forbes, burgess of Abd.

15. Mr. Wm. Barclay, younger, of Kinmundies *v.* George Gray, John Cuschnie and John Duncane, all in Cloghill. Cautioner James Cruikshank, Merchant, burgess of Abd.

16. George Forbes of Auchintoull *v.* Wm. Lang in Asloun. Cautioner James Calder fear of Asloun, who signed "Cadell."

Novr. 4. Wm. Keith in Auchronyes *v.* John Reid, Skinner in Auld Abd. Cautioner Duncan Reid, Skinner, burgess of Abd.

8. James Duncane in Auld Mairdrum *v.* Margaret Williamsone at Dykend of Kirknie. Cautioner John Leask, burgess of Abd.

11. George Crichtoun, elder and younger, of Creichies *v.* John Hay, younger, burgess of Abd. Cautioner Andrew Milne, Armorer in Abd.

13. Mr. Robert Elphingstoun of Kinbrume *v.* John Brune at the Cheppell of Garioche. Cautioner Robert Murdo, occupier of 8 oxengait of Drimmies.

15. **Discharge of Wadset.** The lands of Muir and east half of Tulliche in the parish of Tulliche had been wadset by James Gordone of Knockaspak to Wm. Farquharsone in Cordrache for 2000 merks, who now appearing acknowledged that he had been paid by Wm. Gordone, fear of Knockaspak, and declared the lands redeemed. Two Notaries signed for Farquharsone, the Sheriff depute also adhibiting his signature.

16. **Loosings of Arrestments.** James Johnstoun in Isaakstoun *v.* Thomas Burnet, burgess of Abd. An arrestment in the hands of "Mr. Arthure Jhonstoun Doctor of Physick" was loosed of consent.

James Forbes in Kinnellar *v.* Alexr. Irving in Feddraucht. Cautioner Robert Irving of Feddraucht.

**Report of Commission. Renunciation.** There is entered of this date a Commission dated 27 April, 1622, granted by Thomas Gordone of Lytle Gowell, Sheriff depute, and Mr. Wm. Andersone, Sheriff Clerk, in favor of Mr. James Forbes of Haughtoun and Wm. Forbes in Kinstair, Notary Public, as Sheriff depute and Sheriff Clerk in that part, to take the Renunciation of Jeane Mowat, wife of Alexr. Calder of Asloun, of the lands of Asloun and Muir in the parish of Awfuir, and also the Renunciation of Janet Foullartoun, wife of James Calder, fear of Asloun, of the lands of Tonley, Findlatrie and Dennilne in the parish of Touche, and of 12 oxengait of Dorsaill in the parish of Awfuir. The Renunciations were to be in favor of James Forbes in Colmellie, by whom the Report of the Commission was handed in of this date. It embraced however the Renunciation of Janet Foullartoun only, which was taken within the Hall of the house of Asloun on 5 May, 1622.

## Aberdeenshire Sheriff Court :

1622.

- Novr. 22.     **Loosings of Arrestments.** Mr. Andrew Logie, Minister of Premnay *v.* Susanna Leithe, widow of John Forbes of Barnes. Cautioner Andrew Forbes, appeirand of Capilhill.
25.     Thomas Esplein in Newbiging *v.* James King in Cairnequhelp. Cautioner Andrew King in Condaclaiche.
30.     John Forbes of Polflug *v.* Gilbert Walkar in Air. Cautioner Alexr. Robertstone, "Chirurgiane," burgess of Abd.
- Decr. 17.     James Ogiluie of Blearock *v.* Robert Aillhouss in Auchlochries. Cautioner George Aillhouss, occupier of Milne and Milne lands of Karmuk.
21.     Alexr. Volume in Boddome *v.* Robert Ord in the Mains of Inverugie. Cautioner Wm. Ord, Wreicht, burgess of Abd.
24.     George Bruce, Saidler, burgess of Abd. *v.* Wm. Walkar in Lytle Arnage. Cautioner John Johnstoune, occupier of the Brew Croft at Cheppiltoune of Esslemonthie.
28.     Helen King, widow of John Short, burgess of Abd. *v.* Mr. Gilbert Keithie, Minister at Bourtie. Cautioner John Keith in Auchquorsk.

1623.

- Jany. 7.     Robert Keithie in Gavell *v.* Alexr. Jamisone in Kindrocht. Cautioner Alexr. Burnet, burgess of Abd.
- Manslaughter.** The Procurator Fiscal, Mr. Wm. Barclay *v.* David Scot in Hall-forrest. Cautioner Henry Barrone in Auld Abd. The person whose slaughter was charged against Scot was Wm. Smart, sometime in Eicht.
22.     **Loosings of Arrestments.** Wm. Ingrahame, burgess of Abd. and John Ingrahame, his son *v.* John Ross in Berriehillock. Cautioner John Norie there.
- John Ogiluie of Birnes *v.* Wm. Stewart in Ordley. Cautioner Andrew Meldrum of Muirs of Fyvie.
23.     James Paull in Brumehill *v.* Barbara Aberdein, widow of John Gawane in Mil-toune of Fynnersie. Cautioner Patrick Forbes at the Milne of Fynnersie.
24.     Wm. Ross in Auchlosin and Duncan Hall in Brathinche *v.* John Leay, portioner of Wester Campbell. Cautioner Mr. James Irving, Advocate in Abd.
29.     Andrew Duffes, "Kirk officiar of the parochin of Auchterless" *v.* Henry and Alexr. Umphraye at the Kirk of Forge. Cautioner Robert Reidfuird of Bainesboll.
- George Gordon of [?] Tillinessill *v.* John Scot in [?] Petmedden. Cautioner David Hendersone in Auld Abd.
31.     James Cheyne of Arnage *v.* John Glennye in Rannyeshill. Cautioner Thomas Glennye, occupier of 8 oxengait there.

## Judicial Enactments: Vol. III., Contents

1623.

Febry. 6. **Loosings of Arrestments.** Mr. James Ross, Minister of Abd. *v.* Walter Elphinstoune, Glassin Wreicht, burgess of Abd. Cautioner Wm. Huisone, burgess of Abd. "Four muskatis and thrie irone sollis of ane Hoatt-press."

8. George Gordone in [? of] Tillinessill *v.* Duncan Mitchell in Cividlie. Cautioner Arthur Forbes, Webster and Friemane in Abd.

John Gordoune of Crabstoune *v.* Alexr. Galloway in Kingiswallis. Cautioner Alexr. Jaffray, burgess of Abd., whose remarkable signature is appended to the entry.

14. **Assault—Blood-drawing.** The Procurator Fiscal, Mr. Wm. Barclay, and Janet Boig and John Slaiker, her son *v.* George Browne in Auchterless, burgess of Banff. Cautioner George Scot, burgess of Abd.

21. **Loosings of Arrestments.** George Gordone of Newtoun *v.* George Gordone in Ranye. Cautioner George Broune, occupier of 10 oxengait land in Ranye.

25. Mr. Wm. Forbes, designed as "now of Craigyuer" *v.* James Mortimer, sometime of Craigyver. Cautioner John Edward in Kirkis of Tillifour. Three years teind duty of the lands of Litill Carinday was claimed.

George Gordone [? in] Tillenessill *v.* Alexr. Simsone in Keig. Cautioner Wm. Symsonne at the Milne of Keig.

March 1. Alexr. Bisset in Lernie *v.* John Cowtis in Kirktonne of Kinnernye. Cautioner James Gordone, burgess of Abd.

5. Patrick Cormak in Auchaber *v.* Matthew Cocker at the Milne of Baidinscothe. Cautioner John Hendrie in Auchterless.

8. James Grant, son and heir of James Grant, sometime in Delrassak, and John Gordone, burgess of Abd., his factour *v.* John Andersone in Delrossack. Cautioner Andrew Andersone, occupier of a plough of land in Overtowie.

18. **Manslaughter.** The Procurator Fiscal and David Leask in Invernettie *v.* Hew Craufuird in Doighillock, charged with the slaughter of Alexr. Leask, son of the private prosecutor. Cautioner Charles Craufuird in Auchquhortheis.

15. **Loosings of Arrestments.** Alexr. Gordoune of Dunkintie *v.* Bartholemew Paxtoun in New Leslie. Cautioner John Forbes of Leslie.

19. John Davidstone, Tailzeor in Blackhillock *v.* Wm. Baxter in Auchincrive. Cautioner Wm. Foullar in Cranboige.

29. Robert Gillanders in Glentanner *v.* Marret Midltounne in Glentanner. Cautioner James Gordone of Knockaspak.

April 10. Thomas Laing in New Keig *v.* Duncan Schirref in Balquharne. Cautioner John Forbes, burgess of Abd.



## Aberdeenshire Sheriff Court :

1623.

April 15. **Loosings of Arrestments.** Thomas Laing in New Keig *v.* Elspet Reid, widow of Wm. Mearnes in Fawlsie and Robert Cruickshank in Syd, her husband. Cautioner Mr. George Spence, Minister at Kinnethmont.

Jeane Chalmer, only lawful "bairne" to the late Robert Chalmer, burgess of Abd., and Alexr. Chalmer, burgess there, her tutor *v.* Robert Smythe, Merchand, burgess there. Cautioner Hector Smythe, Merchand, burgess there.

19. George Bruce, Saidler, burgess of Abd. *v.* Wm. Walkar, sometime in Cheppeltoun then in Little Arnage. Cautioner James Gordone of Fechill.

21. James Cheyne of Arnage *v.* Andrew Moreis in Auchterellone. Cautioner James Beatoun, occupier of 8 oxengait of Ardlane.

29. Mr. Wm. Fraser of Bishopes Clintertie *v.* John Midltoun there. Cautioner John Fraser of Little Clintertie.

May 17. Magnus Mowat of Balquhollie *v.* James Scorgeak in Bruimhill and James Wobster in Lendrum. Cautioner Andrew Meldrum of Muirs of Fyvie.

21. Andrew Strathachin, in Strathboigie *v.* Wm. Troup of Balnacraig. Cautioner Mr. John Strathachin, portioner of Kincardine.

23. Margaret Keythe, widow of George Keythe of Glackriauche *v.* Wm. Hendersone in Glenebraye. Cautioner Andrew Barclay of Steane of Benholm, Chamberlain to the Earl Merschell of his Lordship's lands in Buchane.

24. Thomas Gordoune of Grandome *v.* Richard Drume in Denstoun. Cautioner John Hervie, occupier of 10 oxengait of Boigholl.

26. Alexr. Lyone of Braka *v.* George Lyone in Comalegie. Cautioner Thomas Gordone in Artlache.

John and Robert Duieget, portioners of Ruthven *v.* Elspet Gordone in Newtoun of Ruthven, widow of John Glass of Pranny. Cautioner Patrick Reid of Smythiehill.

John Cheyne and Mr. Wm. Lumisden, Bailzies of Auld Abd. *v.* Thomas Watsone in Dubfuir. Cautioner Alexr. Meinzie, lawful son of the late Mr. Thomas Meinzie of Balgownie. Peats, &c., upon the "Comontie of Corshill."

29. Mr. William Gordoune of Tilligreig *v.* James Simsone there. Cautioner Richard Simsone there. The tenants houses and buildings.

John Keithe and William Leithe in Auchquhorsk *v.* John Chalmer there. Cautioner John Tillie there.

Sir Wm. Keythe of Ludquharne, Margaret Bannermane, his wife, and Alexr. Keythe of Balmure *v.* Wm. Haye in Northseatt of Archedlie. Cautioner Thomas Raynie in Mill of Archedlie.



## Judicial Enactments: Vol. III., Contents

1623.

May 30. **Loosings of Arrestments.** James Cheyne of Arnage and James Blackhall in Memewlie *v.* Wm. Johnstoune, alias Muck, in Memewlie. Cautioner Wm. Symmer, occupiar of 10 oxengait of Easter Disblair.

George Johnstoune of Caskieben and Wm. Forbes of Knappernay *v.* Wm. Ironsyde in Tillemaid. Cautioner Thomas Ironsyde, occupier of 12 oxengait of Cowlie.

31. George Baird of Auchmedden and Lillas Baird, his mother *v.* James Tailzeor in Denquithell. Cautioner Gilbert Quhyit, burgess of Abd.

Janet Duncane, widow of Abraham Forbes of Blacktoun *v.* Alexr. Duncane in Wester Beltie. Cautioner Alexr. Attershank in Curquhattachie.

June 2. Thomas Haye in *v.* Andrew Huid in Cabrache. Cautioner Wm. Thomsone in Boigincloche. £42 in the hands of Robert Forbes in Brigend.

George Merser, Advocat in Auld Abd. *v.* Alexr. Skeyne in Drumbreck. Cautioner John Skeyne, burgess of Abd. The sum of 330 merks in the hands of John Merser, Saidler, burgess of Abd.

3. John Leslie of Wardess and Harie Turing of Saak *v.* Alexr. Leslie of Wreys. Cautioner Hew Gordoune of Cultis.

James Sudderland, servitor to John Leslie of Petcapill *v.* John Edmistoune, servitor to Barbara Gordoune, Ladye Troupe. Cautioner George Johnstoune of Caskieben.

**Renunciation and Discharge.** By her appearance on this day Dame Jane Abirnethie, wife of George Gordun, elder, of Gicht, renounced and discharged all her rights to the lands and barony of Meanye, in the parish of Belhelvie, in favor of William Seatoune of Udny and Marjory Innes, his wife. She also ratified a contract for the alienation and vendition of these lands, entered into on the same day, between her husband, herself and George Gordoune, younger, of Gicht, on the one part, and Seatoune and his wife on the other part.

**Renunciation and Discharge.** The compeerer in this case was Bessie Cheyne, wife of John Gordoune of Tillachoudie, and the lands referred to were the lands and barony of Auchterellone, which were being alienated to Alexander Udny of Ardbuckill, burgess of Abd.

**Loosings of Arrestments.** Alexr. Fraser of Techmuir and Margaret Hay, his mother *v.* George Moir in Wachteniehill. Cautioner James Irvine of Auchezogche.

Janet Duncan, widow of Abraham Forbes of Blacktoun *v.* Alexr. Duncane sometime in Wester Beltie. Cautioner Thomas Duncane in Mill of Beltie.

5. Mr. Robert Lumisden of Auchinlek *v.* Andrew Low at the Milne of Feddrett, sometime at the Craig Milne. Cautioner John Will in Bomakellie.

6. James Mitchell in Wedderburne *v.* George Murray in Drumdollo. Cautioner Robert Dempster of Cuschnie.

## Aberdeenshire Sheriff Court :

1623.

June 7. **Judicial Obligation.** Three of the tenants of Ashogill bound themselves to pay yearly to John Lowsone, burgess of Abd., and Maitt [Matilda] Mengzeis, his wife, 800 merks per annum for relief of their master [laird], Sir Alexr. Hay of Delgatie, during the non redemption of the lands and barony of Delgatie.

**Loosings of Arrestments.** Wm. Leslie in Auld Craig *v.* Sir Alexr. Hay of Delgatie. Cautioner James Hay in Muiriefauld. An arrestment had been used in the hands of Robert Innes of Bowenie [? Balvenie] and others.

John, Robert, George and Isobel Gillanders, lawful children of David Gillanders in Cobillheuche *v.* Margaret Midltoun in Glentanner and John Sandesone in Tulliche. Cautioner Wm. Gordoune, fear of Knockaspak.

**Judicial Ratification.** Marjory Gordone, wife of James Ogiluie of Auchleuchries, here ratified a wadset of the Midpleuche of Eister Auchleuchries to George Hay, lawful son of Alexr. Hay of Brunthill for 2500 merks.

**Loosing of Arrestment.** John Gordoune of Petlurge *v.* George Gordoune of Pettiemerqueis. Cautioner John Gordoune of Cheppeltoun.

10. **Renunciation and Discharge.** Margaret Duff, wife of Adam Fraser of Finzeauche, by this Act renounced her rights to the lands of Finzeauche, Meikill Abircattie, Auchfrathie Faulds, Milne of Finzeauche, with the astricted cultures of these lands, and also of Eddindurnocht, Litill Abircattie and Ower and Nethir Tulloches, in favor of David Andersone, burgess of Abd.

11. **Loosings of Arrestments.** Wm. Forbes of Barnes *v.* Susanna Leythe and Gilbert and Annas Forbes, as Executors or Intromitters with the estate of the late John Forbes of Barnes. Cautioner Patrick Leslie of Flindars.

18. John Lumisdeane of Tillearne *v.* James [?] Selie there. Cautioner Gilbert Raye, Cordoner and Crofter at Cowlie.

21. **Renunciation and Discharge.** Janet Foullartoune, wife of James Calder, younger of Asloune, by this Act renounced and discharged, in favor of her father-in-law, Alexr. Calder, elder of Asloune, "All tytle and richt of tearce conjunct fie lyvrent or uther richt quhatsumewir shoe hed hes or anyways maye clame ather of stock or teind of Tonleye, Meikill Findratrie and Denmill" in Touche. She farther passed, in like manner, from her right to "tuell oxingait lands of Dorsail" in Awfurd, in favor of Mr. Andrew Skeyne of Cheppeltoune for whom John Leslie of Abirloure appeared as procurator.

**Renunciation and Discharge.** Jeane Mowat, wife of Alexr. Calder, elder of Asloune, by this Act renounced, in favor of Mr. Andrew Skeyne of Cheppeltoune and James Forbes in Collmellie, her rights to Asloune and Mures and Owerhills of Asloune.

28. **Loosing of Arrestment.** Adam Abircrombie of Thriefield *v.* John Crombie, Maissone in Bonytoun. Cautioner Alexr. Abircrombie, portioner of Buchanstoun.

## Judicial Enactments : Vol. III., Contents

1623.

- June 28.     **Renunciation.** William Keythe in Kairndell here renounced, in favor of Alexander Irving, fear of Beltie, and Isobel Irving, his wife, all his rights to the "Middle pleuche of Owerltrie" in the parish of Deir.
- July   1.     **Loosing of Arrestment.** Robert Ross in Hiltoune, James Ross in Craigtoune and Patrick Strauchin in Stranduff *v.* James Ross in Milne of Coull and Elspet Fraser, his wife. Cautioner Alexr. Ross, burgess of Abd.
2.     **Renunciation and Discharge.** Janet Forbes, wife of George Dilgarno in Peit-hill of Kimmuck, renounced her rights to the "sunc half" of Porterstoune in the parish of Monkeigie in favor of George Johnstoune of Caskieben.
3.     **Renunciation and Discharge.** Katherine Gordon, wife of John Seatoune of Thornetoune, renounced her rights to the town and lands of Thornetoune in favor of Ninian Seatoune in Kirktoune of Bourtie in liferent, and Mr. Wm. Seatoune, his son, in fee.
5.     **Loosings of Arrestments.** George Ogiluie of Carnowsies *v.* Henry Massie, Patrick Massie and Wm. Lind in Ouchterellone, John Pirie, John Lind, John Bisset, John Smythe and Andrew Moreis in Yondertoune, Robert and Andrew Mair in Cuikstoune and George Prierie at the Milne of Ouchterellone. Cautioner Wm. Gray Bailzie, burgess of Abd. Peats, &c. in the Mosses of "Ardgrane and Peltie and Commontie thair of."
8.     George Gordoune of Coclarachie *v.* Katherine Gardync, widow of Mr. John Leythe, Commissary of Abd., and her tenants. Cautioner George Adamsone in Blairtoune. Peats, &c. on Colpnay and Pettens.
9.     Wm. Gordoune of Abirzeldie *v.* Alexr. Skeyne of that Ilk. Cautioner Robert Skeyne of Tillebirlache. Peats, &c., on the "Hill of Fair."
11.    John Dowertie at the Milne of Pettye *v.* John Watsone at the Milne of Iden. Cautioner John Meldrum in Tocher.
12.    **Cattle-lifting.** The Procurator Fiscal and Wm. Leask, younger, of that Ilk *v.* John Mar in Tillibreks. Cautioner George Gordone of Gicht by his procurator Mr. Arthur Watt. The charge was "the alledgit thifiteous steilling of sewin oxen and tua ky out of the toun and lands of Nothro and ane kow furth of Alexr Forbes byre in Luddache."
- Loosings of Arrestments.** John Cormak at the Kirk of Daviot *v.* Wm. Smythe in Ardune. Cautioner Andrew Johnstoune, Friemane Meassone in Abd.
14.    John Leslye of Petcapill *v.* George Johnstoune of Caskieben and his tenants. Cautioner James Johnstoune of Isakstoune. Peats, &c., in the Mosses of Crimond.
18.    George Ogiluie of Carnowsies *v.* Robert Gordoune in Blinburne. Cautioner Patrick Ledgertwood in Bourhills of Esslmonthe. Peats, &c., in the Mosses of Piltachie.

## Aberdeenshire Sheriff Court :

1623.  
July 19.     **Renunciation and Discharge.** Janet Leslie, wife of Alexr. Lyone of Comalegie, renounced her rights to Braka, Glasha, Midiltoune, Quhytwall and Milne of Glasha in favor of Mr. Patrick Gordoune of Braka.
21.     **Loosings of Arrestments.** George Ogilvie of Carnowsies *v.* John Gordoune of Buckie, Walter Cheyne in Tilledesk, James Logane in Elphine, Gilbert Bodye in Todil-hills and Alexr. Buchane of Auchmacoye. Cautioner Patrick Legertwood in Bourhillis. Peats, &c., in the Mosses of Ardgrane and Piltachie.
28.     **Theft.** The Procurator Fiscal and Patrick Young, indweller in Abd., *v.* Wm. Russell, Webster, burgess of Abd. Cautioner Thomas Clerk, Webster, burgess of Abd. "Ane web of tuedling harden" was said to have been stolen.
29.     **Loosings of Arrestments.** Wm. Wod in Heddirweik *v.* Andrew Glenly in Caskieben. Cautioner John Stewin in Maynis of Caskieben.
- Augt. 8.     Elspet Gordoune, widow of John Glass of Prannie and Patrick Glass, her son *v.* George Forbes in Migvie. Cautioner George Andersone in Tulloche.
- George Harrow at the Brig of Die *v.* Wm. Elder there. Cautioner James Gordoune, burgess of Abd.
12.     **Removing.** John Moir and Alexr. Cristall, occupiers of parts of the Maynes of North Colpnaye, agreed, under certain reservations, to remove from their holdings, in favor of George Gordoune of Coclarchie, as heritable proprietor.
15.     **Sale of Growing Crop by Tenant to Landlord.** Henry Ord was feuar of Harrows Croft on the east side of the Denburn of Abd. Being behind with his feuduty, as well as in debt to Mr. Thomas Johnstone, burgess of Abd., the superior, for a supply of seed bear and not able to harvest his crop "he reasone of the shearsnes this present yeir," Ord sold his crop to the landlord.
27.     **Curatory.** Alexr. Keythe, eldest lawful son of the late Mr. Alexr. Keythe, portioner of Duffes, appeared and chose Alexr. Irving of Drume, James Irving of Brucklaw and John Irving of Artamphart, as his curators. The two latter were present, accepted office, took the oath *de fidei* and became cautioners for each other.
- Sept. 1.     **Loosings of Arrestments.** Thomas Fraser of Streichin *v.* Robert Auld in Over Ardlethin. Cautioner George Young, occupier of 12 oxengait land there.
3.     Thomas Shand, burgess of Abd. *v.* John Lamb in Boddomes of Mamewleye. Cautioner Adam Gordoune in Milltoune of Kellye.
13.     James Ogilvie of Auchleuchries *v.* John Cordonier there. Cautioner Wm. Waus at the Milne of Brogane.
- John Grige, Skipper in Fraserisbruche and Alexr. Crawford, portioner of Rayne *v.* James Andersone in Corthibrae. Cautioner Alexander Clerk in Hous of Hill.
16.     John Duiged of Ruthven *v.* Elspet Gordoune, widow of John Glass of Pranny. Cautioner John Gordoune, burgess of Abd.



## Judicial Enactments: Vol. III., Contents

1623.  
Sept. 16. **Loosings of Arrestments.** Arthur, Lord Forbes *v.* Patrick Reid of Smyddiehill and Helen Mortimer, his wife. Cautioner Patrick Wilsone, occupier of 8 oxengait of Belhenny.
19. Wm. Garioche in Petinkirie *v.* John Garioche in Kinstair. Cautioner Mr. Robert Elphinstoune of Kinbrume.
20. Thomas Mutray of Clubisgowell *v.* James Black, sometime in Halckhillock then in Scotistoune. Cautioner James Cassie in Quhytstripes.
22. Thomas Erskeyne of Balhaggardie *v.* Wm. Stewin in Inverurie. Cautioner Andrew Stewin, Litster, burgess of Abd.
23. Thomas Erskeyne of Balhaggardie *v.* John Gordoune in Drimmeis and whole tenants of Drimmeis. Cautioner Angus Andersone in Newtoun. Both this and the preceding entry refer to boundary disputes on the banks of the Ury.
25. Alexr. Forbes of New *v.* Alaster Troupe in Deskrye. Cautioner Mr. James Elfinstoune of Barnes.
27. John Gordoune, younger, of Craige *v.* Thomas Erskeyne of Balhaggardie. Cautioner Mr. Alexr. Jaffray, Balzie, burgess of Abd. A boundary dispute—Craikis hauche on Drimmeis being mentioned.
30. Mr. James Elphinstoune of Barnes *v.* Patrick Gordoune in New Glanderstoune. Cautioner John Gordoune in Feddie.
- Octr. 3. John Robertstone, alias Bonar, Fermor in Abd. *v.* John Troup in Gilcomestoune. Cautioner Wm. Mukart, burgess of Abd. What was here specially arrested was the "haill cornis beir and aitts presentlie growand on the sched of land in Gilcomestoune on the northe syd of the gait that passis the Stokit Heid."
4. Patrick Leithe of Liklieheid *v.* Patrick Watsone in Auchlewin. Cautioner Wm. Forbes of Bairnis.
6. Jean Forbes, lawful daughter of the late James Forbes of Wester Thomads *v.* Thomas Johnstoune in Belnacraige. Cautioner James Forbes, burgess of Abd.
- John Gordoune of Tillielit *v.* James Gordoune in Park. Cautioner Adam Gordoune in Miltoune of Kellie.
25. Alexander, Maister of Forbes *v.* James Garioche of Kinstairis. Cautioner Wm. Gariauch of Tillechetlic. The "customs of the landis of Corsindaye intronettit with be the said James" were in question.
- Warding. Obligation to Re-enter.** John Garioche in Badevine, who was in ward by virtue of Letters of Caption at the instance of Alexander, Maister of Forbes, was now released on an obligation by James Garioche, elder, of Kinstairis and Wm. Gariauch of Tillechetlic to re-enter him, on or before 20 November, under pain of 1000 merks to be paid to the Maister of Forbes, for whom Mr. Patrick Chalmer, servitor to the Sheriff Clerk, appeared.

## Aberdeenshire Sheriff Court :

1623.

Octr. 28. **Upkeep of Buildings by Liferentrix.** William Forbes of Bairnes having caused a charge to be given to Susanna Leythe, the liferentrix of Bairnes, Rothnie, Drumrossie Hillockis and Miln thereof and Claylatches to uphold the buildings, &c., on the lands, Andrew Forbes of Newhillis, her son, now became cautioner for her, that she would fulfil her statutory obligations in that respect.

Novr. 7. **Loosings of Arrestments.** Alexander Strauchin of Glenkindye *v.* Alaster Robertstone in Glenbucket. Cautioner John Gordoune, son of James Gordoune of Knockaspak.

15. George Moir in Tilliemaide *v.* John Haye in Gask of Crudane. Cautioner John Murraye, occupier of "tua pleuches" of land in Invernettye.

Archibald Baxter in Nether Park *v.* Alexr. and Jeane Collie in Eister Eischindilly and Wm. Collie, their tutor. Cautioner Alexr. Collie, occupier of 8 oxengait in Kirk-toun of Durris.

17. Alexr. Melwing in Craigerne *v.* Duncan Crombie in Glenheid. Cautioner Wm. Raye in Kintoir.

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29. **Tutory.** Patrick Leyth of Kirktonne of Rayne presented a gift, dated 18 November current, to the office of Tutor to John Leythe, only lawful son and apparent heir of his brother, the late Mr. Wm. Leythe of Newlandis, accepted office, took the oath *de fidei* and found Andrew Stewin, Litster, burgess of Abd., as his cautioner.

Decr. 12. **Loosings of Arrestments.** Simon, Lord Fraser of Lovatt *v.* Alexr. Fraser, son of the late Sir Alexr. Fraser of Frasarisburche, knight, and whole tenants of Pettulie, whose rents were arrested. Cautioner Thomas Robertstone in Pettulie.

13. Agnes Forbes, widow and executrix of John Wod in Milnebuye and wife of Harie Gordoune *v.* John Keythe in Tartowie. Cautioner John Keythe in Auchquhorsk.

16. James Birny, Webster, burgess of Abd. *v.* Andrew Meldrum and John Duncane, Merchandes, burgesses of Abd. Cautioner George Cruikshank, Merchand, burgess there.

1624.

Jany. 6. **Revocation of Deeds granted in Minority.** Margaret Sinclair, only child of the late George Sinclair of Dumbeathe, being then 22 years of age, by this Act revoked all deeds done during her minority by herself or her Tutors or Curators to her hurt. She specially revoked a Bond made between her and Alexander, Maister of Forbes, on 5 July, 1622, whereby on the advice of Arthur, Lord Forbes, there was to be paid to Margaret Forbes, Lady Dumbethe, her mother, and Claud Hamiltoun, now husband of the said Margaret Forbes, a sum of £400 per annum for the maintenance of the said Margaret Sinclair.

10. **Loosings of Arrestments.** Magnus Mowat of Balquhollye *v.* Patrick Webster in Wood-end of Tollye. Cautioner Wm. Barclaye of Ordley. The crop on Lyndrume.

14. John Conone in Kildrimmye *v.* Robert Pairker at the Milne of Glenkindye. Cautioner John Sibbald, burgess of Abd.

## Judicial Enactments : Vol. III., Contents

- 1624.
- Jany. 16. **Loosings of Arrestments.** John Turing of Foverane *v.* Alexr. Keythe in Newbruche. Cautioner John Liddell, Cuper, burges of Abd.
- Feby. 6. George Andersone of Aird *v.* Grissal Rattraye in Frasrisbruche and John Scot, her son. Cautioner Andrew Fraser there. Money in the hands of James Fraser of Tyrie.
- Alexander Lesly in Cultis *v.* George Davidstone, Webster in Wrayes. Cautioner George Merser, Advocat in Auld Abd.
19. John Mackomie and George Andersone, Chamerlanes to George, Marquis of Huntly *v.* Elspet Ross, daughter and executrix of James Ross in Milne of Coull. Cautioner Peter Moir, Merchand, burges of Abd.
24. Patrick Leythe in Sullavethie *v.* John Auchinleck in Mill of Montgariauche. Cautioner John Leythe, son of John Leythe of Quhythauche.
25. Gilbert Meinzie of Pittfoddellis *v.* Margaret Irving, widow of Gilbert Meinzie of Pittfoddellis, and John Collace, fear of Bonnamone, then her husband. Cautioner Wm. Philip at the Mill of Pittfoddellis, occupier of the Mill and 4 oxengait of Westertoune of Pittfoddellis. Rent in the hands of James Barnet in Hill of Faulds.
- March 3. John Forbes of Petsligo *v.* Isobel Huisone, widow of James Fergusone, burges of Abd. Cautioner Martin Huisone, burges there.
6. Wm. Seatoune of Disblair *v.* James Seatoune in Coulie. Cautioner Thomas Irnsyd in Coulie.
8. Wm. Lyndsaye, burges of Abd. and Thomas Pirie at the Milne of Dilsproe *v.* James Moresone, sometime in Auld Gowill and then in Kinmundie. Cautioner James Black, occupier of 8 oxengait of Scotistoune.
18. Alexr. Fraser of Boigheidis as Bailzie and Chamerlane to William, Earl Mershell *v.* Mr. Andrew Skene in Overtoune of Dyce. Cautioner John Skene, Merchand, burges of Abd.
27. Wm. Irving of Beltie *v.* Wm. Keythe, sometime in Over Altrie, then in Ardmachar. Cautioner John Muire in Deire.
- April 1. Katharine Leivingstoune, Patrick Morgen and George Cowtis *v.* John Westland in Edinbanchorie. Cautioner John Forbes of Edinbanchorie. The subjects in dispute were the effects of the late Arthur Morgen in Drumnahuiff and of Beatrix Westland, his wife.
- Adam Gordone of Boigholl, Patrick Hepburne at the Litill Mylne of Essilmonthe and Patrick Forbes at the Milne of Meany *v.* Hector Davidstone, Maltman, burges of Abd. Cautioner James Gordone, burges of Abd.
10. Robert Forbes of Eicht *v.* Alexr. Smythe in Kirktoune of Eicht. Cautioner James Irving at the East Mylne of Drum.

## Aberdeenshire Sheriff Court :

1624.  
 April 20.     **Loosings of Arrestments.** George Gordone of Newtoun v. John Wilsone in Lonheid of Newtoun. Cautioner Wm. Beithe in Wasthall.
24.     Mr. Walter Forbes of Auchreddie v. Thomas Will there. Cautioner Wm. Chessor in Corbishill.
- Mr. Wm. Burnet, Minister at Kinnairnie v. James Mortymer, sometime of Craighwar. Cautioner James Clark, Webster, burges of Abd.
27.     Wm. Gordone of Kennertie v. Alaster Ross in Aldenruie. Cautioner Peter Shewane, burges of Abd.
- May 6.     Wm. Dalgarno, sometime in Dennis, then of Creichie v. Nicoll and John Baxter in Creichie. Cautioner Wm. Keythe, sometime in Gavell.
10.     **Revocation of Deeds granted in Minority.** Alexander, Maister of Forbes, by this judicial act revoked all deeds granted by himself alone or with consent of others to his hurt, during his minority, and especially a contract whereby the whole Lordship of Forbes and Barony of Dumbaith had been made over to John Forbes of Petsligo in security of 38500 merks.
12.     **Loosings of Arrestments.** Arthur Forbes, Fear of Brux v. Edward Reid in Newtoun of Brux. Cautioner Alexr. Hervie, burges of Abd.
13.     Janet Keythe, widow of John Strauchin of Touxhill v. John Leidgertwood in Touxhill. Cautioner Wm. Gordone of Cheppeltoun.
- John Graye at the Milne of Leask v. John Cordonier in Wester Auchleuchries, John Blak there and George Smythe there. Cautioner James Cumming in Bredmuire.
14.     Patrick Innes of Tibbertie v. Edward Adamsone at the Mylne of Tibbertie. Cautioner George Adamsone in Blairtoun.
15.     John Leslie of Balquhayne v. John Cromby in Fettirneir. Cautioner John Crombie in New Wester Echt.
20.     John Gordone of Tullachowdie v. Jeills Mukall, widow of Andrew Gordone in Davane of Logie, and Mr. John and George Gordone, his sons. Cautioner Thomas Gordone at the Mylne of Ardgicht.
21.     Thomas Gordoun, Sheriff depute of Abd. v. Hector Abircrombie of Wasthall. Cautioner Robert Dempster of Cuschnie. The names of Normond Leslie in Laychemuir and Symon Galloway in Fischerfurd of Tillimorgin occur in the entry.
22.     Henry Forbes, burges of Abd. v. John Forbes of Petnacaddell. Cautioner Mr. Walter Forbes of Auchreddie.
24.     Sir Adam Gordone of Park, knight v. John Morgen in Glenbuket. Cautioner Alexr. Irving of Ardgowes.



## Judicial Enactments: Vol. III., Contents

- 1624.
- May 25. **Loosings of Arrestments.** Thomas Gordone of Grandone *v.* Wm. Fraser in Craigtoun. Cautioner Wm. Lumsdeane (signing Lumisdell) in Bachmunie.
27. Adam Fraser, sometime of Finzeauche, Margaret Duff, his wife, and Wm. Fraser, their eldest son *v.* David Andersone, burgess of Abd. Cautioner Robert Keyth, burgess there.
- Renunciation and Discharge.** This entry apparently refers to a wadset right over the lands of Eastoun of Cromar, held by George Dilgarno in Peitthill of Kinmucks, which he now renounced in favor of Wm. Gordone of Abirzeldie and Alexr. Gordone, Fear thereof. Dilgarno bound himself to obtain a judicial ratification from Janet Forbes, his wife.
- Renunciation and Discharge.** Margaret Irving, wife of John Seatoun, appeirand of Disblair, renounced her rights to the Mylne of Logieruif in favor of Robert Seatoun, son of the late John Seatoun of Mowny.
29. **Loosing of Arrestment.** William, Earl Marschell, as heritable proprietor of Kinnellar, and Thomas Lumisdeane, James Forbes and John Forbes, Wadsetters thereof *v.* James Keythe of Kinnady. Cautioner Wm. Forbes in Kinmundy. "Faill" cast upon the North east quarter of Kinnellar.
- June 7. **Removing. Security for Rent, &c.** David Torrie at Caismylne acknowledged certain indebtedness to his landlord, Thomas Johnestoun of Craig Dyce, for past due rent, in security of which and of the rent Crop 1624, he sold his stocking and crop to Johnestoun. He also granted himself removed from part of his occupation as at Whitsunday, 1624, and bound himself to remove from the Mill at Whitsunday, 1625.
16. **Loosings of Arrestments.** Alexr. Abircrombie of Birkinboig *v.* Mr. Andrew Logie, Minister at Rayne, and his tenants. Cautioner George Leslie, Indwellar in Abd. Peats in the "Bischope Moss callit the Cockmoss" in Rayne.
- July 3. Alexr. Gordone, Fear of Abirzeldie *v.* Alexr. Skeyne of that Ilk and his tenants of Tillenhilt, Auchmore and Tillebirlache. Cautioner John Forbes of Balnagask. Peats on the west and north-east sides of the Hill of Fair.
- George Pecok, Appothekar in Abd. *v.* Margaret Gordone, widow of Michael Clerk in Craighall and Robert Johnstoun, her husband. Cautioner John Watsone in Lytill Gowell.
5. Andrew Knowis of Beildsyd *v.* Wm. Irving of Murthill. Cautioner Andrew Craig, Cordoner in Newtoun of Murthill. Peats on the wast pairt of Beildsyd.
15. Mr. Wm. Broune, Minister at Invernochtie *v.* Janet Seatoun, widow of Mr. Wm. Robertsons, Minister at the Kirk of Tarlane and Migvie. Cautioner Mr. Andrew Gray, Minister at Coull.
16. John Irving of Artamphart *v.* John Forbes of Tulloche. Cautioner John Forbes, younger, burgess of Abd. Peats, &c., on the "eist syd of the Mosses of the Haltoun and Craigtoun."

## Aberdeenshire Sheriff Court :

1624.

July 20. **Loosings of Arrestments.** John Leyth of Quhythauche *v.* Alexr. Gordoun of Dunkemptie and his tenants of New Leslie and Boigis, and John Leslie of Leslie and his tenants of the Barony of Leslie. Cautioner Adam Gordoun in Spynie, who submitted himself to the jurisdiction of the Sheriffdom of Abd. Peats on parts of Courtestoun and Drumgowan.

John and William Raye, as executors of John Raye, burgess of Abd., and their Tutors and Curators *v.* Robert Hall in Kirktowne of Skeyne. Cautioner James Thome, elder, in Kirktowne of Skeyne. Money in the hands of Mr. Gilbert Keythe, Minister at Skeyne.

16. Simon, Lord Fraser of Lovat *v.* James Gordoun of Knockaspack. Cautioner George Chalmer of Noth. The rents of the tenants of Kirktowne of Tyrie.

21. **Revocation by Widow.** Isobel Bodie, widow of Alexr. Fraser, portioner of Memsie, stating that she had been compelled by her late husband to do so, revoked a renunciation which she had made in favor of her son, Alexr. Fraser, of her sunny third part of Memsie.

**Loosings of Arrestments.** Alex. Fraser, portioner of Memsie *v.* Isobel Body, widow of Alexr. Fraser, portioner of Memsie, his mother. Cautioner Wm. Fraser in Memsie.

27. Alexr. Fraser of Boigheidis, Chamberlane to William, Earl Mershell *v.* James Mowat of Ardo and tenants of Keir and Suttarhill. Cautioner Patrick Farquhar, burgess of Abd. Peats in the Moss of Liddauche.

28. Archibald Farquhar in Ramstaine, Alexr. Mealling and Gilbert Touche in Craigerne *v.* John Crombie in Glenheid. Cautioner Andrew Elmslay in Aillhous Wall.

29. Thomas Gordone of Litle Gowill *v.* Gilbert Bartleyle in Monkeigie. Cautioner Mr. Wm. Seatoun of Thornetoun.

30. **Renunciation and Discharge.** Janet Gordone, widow of Patrick Gordone of Halheid, renounced her rights to Halheid in favor of George Gordone, her eldest son. She reserved the liferent of the Altoune Croft.

Augt. 6. **Loosings of Arrestments.** John Leyth of Monthgeriauche *v.* Wm. Philip in Mylne of Pittfoddellis. Cautioner John Willis, Laxfisher in Abd. Peats, &c., cast by Philip in the moss "callit the Banermane Suail" alleged to belong to Leyth.

7. Wm. Wilsone in Milbren *v.* Patrick Gordone in Carn gall. Cautioner Normand Arbuthnot, burgess of Abd.

11. John Gordone of Rothmeis *v.* George Cruikshank in Bainesboll. Cautioner Alexr. Cruikshank, elder, burgess of Abd.

13. Mr. Wm. Forbes of Craigiewarr *v.* Arthur Forbes, younger, of Brux and his tenants. Cautioner Wm. Russell, Webster, burgess of Abd. Peats, &c., "within the bounds of the Hill of Craigiebeg upone that pairt thair of callit the Saidill of Mack-christer."

## Judicial Enactments: Vol. III., Contents

1624.

Augt. 18. **Loosing of Arrestment.** George Robertstone, as executor of Elspet Mackie *v.* Wm. Anguis in Blackhall. Cautioner Normand Leslie of Quhythauche.

28. **Removing.** David Torrie in Caismilne bound himself to remove from Caismilne in favor of Thomas Johnstoun of Craig of Dyce, and ratified the former Act of Court of 7 June. [*Supra* p. 277.]

Sept. 7. **Loosings of Arrestments.** James Cheyne of Arnage *v.* Andrew Beanis in Pettimuck. Cautioner Alexr. Murray in Tilleeve.

16. John Leyth of Quhythauche *v.* Thomas Kay in Rubislaw. Cautioner George Johnstoun, younger, burgess of Abd.

18. Wm. Gordone of Tulloche, pupil, and Sir Alexr. Gordone of Cluny and Sir Adam Gordone of Peark, knights *v.* Patrick Reid in Cornabo and his servants. Cautioner Wm. Forbes of Monymusk. The crop sown by Reid upon the alleged commony of Tulloche.

20. John Milne at the Milne of Dennend *v.* Alexr. Cowper at the Milne of Bruxie. Cautioner George Frensche, Cordonier, burgess of Abd.

24. Wm. Reid in Tarlen *v.* James Coutts in Tailzie in Cromar. Cautioner Alexr. Coutis, "servitor domestick to Sir Alexr. Gordone of Cluny."

27. Thomas Fraser of Strechin *v.* James Irvine of Wester Tyrie and his tenants. Cautioner Alexr. Buchan of Auchmacoy. The crop sown upon the part of "Eister Tyrie one the north side of the burne that runneth from the bog callit Bogrothnie."

30. James Coutis in Tailzie of Cromar *v.* Wm. Reid in Tarlen. Cautioner Wm. Couper, Litster, burgess of Abd.

Octr. 5. **Discharge of Wadset and Ratification.** Mr. Thomas Gairdyne, Parson of Tarves, and Violet Layng, his wife, in respect of a payment of 4000 merks, renounced their rights to Myltoun of Udney and others in favor of Wm. Scatoun of Udney.

7. **Sheriff Clerkship. Gift of Office.** Mr. George Andersone, son of Mr. William Andersone, the Sheriff Clerk, presented a gift of the office by Lord Huntly as heritable Sheriff to him, reserving his father's liferent. The deed of gift was dated at Huntly on 7 September preceding. Mr. George Andersone was thereupon appointed by his father to be his "immediat deput," and accepted office and was sworn in.

13. **Loosings of Arrestments.** Alexr. Forbes in Elgein *v.* Wm. Browne in Newtyll of Pettgerso. Cautioner George Gordone, indwellar and "Apill sellar" in Abd.

12. Wm. Young, Tailzeor in Abd. *v.* Matthew Alshunder in Turref. Cautioner Alexr. Ogstoun, Bailzie in Turref.

21. Helen Fyf in Abd. *v.* John Wyllly, younger, in Hospitall. Cautioner James Skedoway at Powayis brig in Auld Abd.

30. George Riccard, burgess of Abd. *v.* Thomas Smyth in Langseit in Balhelwie. Cautioner Patrick Forsyth in Keir.

## Aberdeenshire Sheriff Court :

1624.

- Novr. 3.     **Judicial Obligation.** Alexr. Murray in Jakistoun of Balquholly bound himself to pay £8 to Patrick Meinzeis, burges of Abd.
4.     **Loosings of Arrestments.** John Trowpe in Gilcomstoun v. Mr. John Reid-furd, Minister at Forglen. Cautioner Gilbert Layng, Fermorar in Abd.
6.     Wm. Forbes of Knappernay v. Wm. Ironsyd in Tillegrig. Cautioner Patrick Sangster, occupier of 12 oxengait of Cowlie.
13.     **Tutary.** Andrew Fraser of Stainnywood presented gift, under the Quarter Seal, of the Tutory of Jeane Barclay, pupil daughter of the late Patrick Barclaye, Fear of Tollie, dated 25 August preceding. Cautioner John Fraser of Clintertie.
16.     **Loosings of Arrestments.** Andrew Gordone of Pittmarqueis and Barbara Gordone, his wife v. George Gordone in Boigheidis. Cautioner Mr. Robert Elphings-toun of Kinbrume.
17.     John Midiltoun in Litle Finrasie v. Thomas Traill in Monecht. Cautioner Alexr. Blackhall, portioner of Finrasies.
19.     William and George Gordone, elder and younger of Terpersie v. Wm. Fraser, lawful son of the late Adam Fraser of Fingzeauche. Cautioner John Leslie of Endurno.
20.     **Discharge of Wadset and Ratification.** In consideration of 4000 merks paid to them by John Turing of Fouerane, Patrick Jak, elder, Litster, burges of Abd., Katherine Litster, his wife, and Patrick Jak, younger, their son, declared to be redeemed from them 16 oxengait of the lands of Drumes in the Barony of Fouerane.
- Decr. 10.   **Discharge of Wadset.** (Two entries). Alexander Keyth in Newbruche, as assignee of Andrew Gray at the Milne of Fouerane, in consideration of 3000 merks paid to him by James Gray of Schives, declared to be redeemed from him the "Shadow half landis of the Maines of Schives" and a croft adjacent thereto, in the parish of Tarves.
- Loosings of Arrestments.** Andrew Gordone in [?] of Pettiemarqueis v. George Gordone in Boigheid and George Gordone in Skalmuire. Cautioner George Bruce, Saidler, burges of Abd.
30.     Wm. Fentone of Meldrum v. Wm. Scortchak in Fochill. Cautioner Andrew Harper, burges of Abd.
31.     John Bainzie at the Scotismilne v. Mr. Archibald Rait, Minister at Kintoir. Cautioner John Chalmer, Merchand, burges of Abd.

1625.

- Jany. 7.   **Tutary.** Mr. James Elphinstoun of Barnes presented gift, under the Quarter Seal, of the Tutory of James and Alexander Elphinstoun, lawful children of the late John Elphinstoun of Warthill, dated 13 January, 1624. Cautioner John Forbes of Brux, who did not appear and sign the entry according to the usual fashion of the time, instead of which a Bond by him was presented and is recorded *ad longum* as part of the Act of Court.



## Judicial Enactments : Vol. III., Contents

1625.

Jany. 12. **Loosing of Arrestment.** David Skeyne in Potermynes *v.* Thomas Robertstone in Glencuthill. Cautioner George Baird of Auchmedden.

**Discharge of Wadset and Ratification.** Janet Strathachin, wife of Alexr. Gardyne sometime of Banchorie, and her husband acknowledged to have received from Wm. Forbes of Monymusk 5000 merks as the first term's payment of 20,000 merks contained in a wadset over the half Barony of Torry. A separate discharge had been granted on 26 July, 1624, which was here confirmed and ratified.

Feby. 4. **Loosing of Arrestment.** The Procurator Fiscal Mr. Wm. Barclay, and Thomas Gordone of Litill Gowell, for his interest *v.* Janet Ritchie and Alexr. Cheyne in Dyce, her husband. Cautioner John Kemptie at the Mylne of Dyce, burgess of Abd.

March 2. **Birth Brieve.** Gilbert Leslie and George Steuart, burgesses of Abd., and Messrs. George Andersone and Alexr. Paip, Advocates there, deponed to the birth and parentage of Robert Andersone, burgess there.

7. **Loosings of Arrestments.** Wm. and George Shorret in Dowry, John Gordone of Pitlurge and Alexr. Shorret there *v.* James Petindreich in Dowry of Kinnmundy. Cautioner Andrew Mylue, Armorar, burgess of Abd.

12. John Erskeyne of Balhagardy and Patrick Reid in Smydiehill, as Chamerlans to John, Earl of Marr, and also Margaret Ingrahame, widow of John Fyf in Migvie *v.* Wm. Reid in Kinnady. Cautioner Mr. Alexr. Reid, Advocat in Abd.

18. Alexander Chalmer, Deane of Gild of Abd. *v.* David Symsons, Saidler, burgess there. Cautioner Patrick Blak, Saidler, burgess there.

April 7. **Renunciation and Discharge.** The granters here were Jean Andersone, wife of Mr. Alexr. Paip, Advocat in Abd., and the said Mr. Alexr. Paip. The consideration money was "ane crowne of gold" paid by Mr. Wm. Andersone, Mrs. Paip's father, in whose favor the act was conceived. It would rather appear from the entry that the rigs or crofts of land dealt with had previously belonged to John Andersone, burgess, whose widow, Anapill Chalmer, was still entitled to a liferent of them.

9. **Theft.** James Gordoune in Litill Auchredy *v.* Andrew Allathin in Mekill Auchredy and Janet Fentoune, his wife, and Wm. Aidie in Allathine and Dorathiane Macklenane, his wife. Cautioner Mr. Walter Forbes of Auchreddie.

20. **Loosings of Arrestments.** John Leslie of Wardes *v.* Wm. Leslie at the Milne of Insche. Cautioner Andrew Forbes of Newhillis.

May 7. Mr. Robert Forbes, proprietor of the shadow third part of Miltoune of Fynnersie *v.* Patrick Forbes there. Cautioner Nicoll Ross, Cordoner, burgess of Abd.

10. John Leithe of Quhythauche *v.* Alexr. Mitschell in Johnestoune. Cautioner Wm. Hog, Maltman, burgess of Abd.

23. James Ogiluy of Auchlewchries *v.* Wm. Stewart at the Mylne of Auchlewchries. Cautioner John Stewart at the Mylne of Ludquharne.

## Aberdeenshire Sheriff Court :

1625.

May 28. **Loosings of Arrestments.** John Urquhart of Craigfintry, Wm. Setoune of Schethine, John Setoune of Auchquhorthies and Mr. George Setoune of Barra *v.* Robert Barnet in Collihill in the parish of Bourtie. Cautioner Wm. Moir in Ferrihill, burghess of Abd.

31. Wm. Forbes of Pitgerso *v.* Alexander Aiken there. Cautioner John Moir, Gardner, indweller in Abd.

June 1. Dame Margaret Banermane and Sir Wm. Keyth of Balmuir, knight *v.* James Hendersone in Kirktoune of Methlik. Cautioner John IIay in Wodheid.

Alexr. Leslie of Auchquhorsk *v.* Walter Farquhar there. Cautioner Wm. Garvak in Quhytcorse.

Thomas Cromby of Kemnay *v.* Andrew Elmslie in Aillhouswall. Cautioners George Elmslie, occupier of 8 oxengait of Harthillis, and Walter Farquhar, occupier of 12 oxengait of Auchquorsk.

4. **Discharge of Wadset.** In respect of a payment of 4000 merks to them by James Gray of Schiwes, Andrew Wood at the Mill of Ardo and Patrick Wood in Quhilkakis, his son, declared to be redeemed the lands of Quhilkakis and Kilmathillie in the Barony of Schiwes.

6. **Loosing of Arrestment.** Alexr. Strauchin of Glenkindy *v.* Wm. Cowper at the Mylne of Auchnagat. Cautioner Wm. Douglas, burghess of Abd. and Porter of the New Colledge of Abd.

8. **Renunciation and Discharge.** James Smyth at the Milne of Rothiebirshen for himself, and taking the burden on him for Isobel Layng, his mother, acknowledged to have received from Wm. Leslie of Litill Warthill 1000 merks, borrowed by him on 6 October, 1611, from the late William Smyth, the father of James Smyth and husband of Isobel Layng. The fourth part lands of Litill Warthill were declared to be redeemed.

9. **Loosings of Arrestments.** Jaspert Cuischnie, Merchand *v.* Cristane Coutis, widow of David Gray in Lin. Cautioner James Gray in Lin. George Gordon of Terpersie was due 400 merks to the widow, and this sum with the interest of it had been arrested.

10. Marjory Stewin, widow of Robert Hunter in Brumehill, and Wm. Duncan at the Milne of Kincardin, her husband *v.* John Hunter, lawful son of the said Robert Hunter. 200 merks and interest in the hands of John Duguid, portioner of Ruthvens.

**Judicial Ratification.** Agnes Erskyne, wife of Wm. Forbes of Barnes, consented to and ratified the alienation and wadset of the lands of "Rudderstoune with the salmon fisching adjacent thairto on the water of Die" and others, made by her husband and her in favor of John Alexander, burghess of Abd., and Robert, John and William Alexander, his children.

## Judicial Enactments: Vol. III., Contents

1625.

June 11. **Judicial Ratification.** Isobel Leslie, wife of Sir Alexander Hay of Delgatie, knight, consented to and ratified the alienation and wadset of one half of the lands of Sandend in the parish of Crowdan, made by her husband and her to Thomas Hay in Graystaine and Jeane Reid, his wife, and of the other half of Sandend made by them to the said Thomas Hay and John, Isobel and Barbara Hay, his children.

13. **Loosing of Arrestment.** Wm. Bruce, lawful son of John Bruce of Grayes-Fortrie *v.* John Gordoun in Scheallis. Cautioner John Gordoun in Airdoch. The creditor's claim was for the rent of the third part of the town and lands of Chappeltoun.

**Judicial Ratification.** Isobel Leslie, wife of Sir Alexr. Hay of Delgatie, knight, consented to and ratified a deed by which her husband burdened his lands of Arden-draucht, &c., with an annual charge of 1000 merks payable to the Provost, &c., of Abd., for the maintenance of a professor of Mathematics within the New Colledge of Abd. The capital sum borrowed by Sir Alexander was 10,000 merks.<sup>1</sup>

**Renunciation and Discharge.** Katherine Skeyne, wife of Arthur Forbes of Milbidding, renounced in favor of John Forbes of Leslie all her rights in the lands of Auchlevin, Milbidding and Pilmyre, in the parish of Premnay.

16. **Judicial Ratification.** Katherine Forbes, "Laydie Rothemaij," wife of Wm. Gordone of Rothemay, ratified the Disposition by her husband and herself in favor of Mr. Wm. Gordone of Tilliegreig, in liferent, and Alexander Gordone, his son, in fee, of Cairnborray, Belnacraige, Balnaboth and Gairbrak with the pendicles called the Muck, Brounehill, Blakhill, Cairnemoir and Westfauld and others in the Lordship of Huntly, and also a Disposition in favor of the said Alexr. Gordone and Hellen Cowtis, his wife, of the lands of Broidlandis with the pendicles called Bogfoirth and Kairne-fuird, also in the Lordship of Huntly. The entry contains the statement that the lady had received or accepted the liferent of Mains of Rothemaij in recompense. Wm. Gordone signed "Rothimay."

**Renunciation and Discharge.** Katherine Forbes, "Laydie Rothemaij," by this act renounced her rights to the lands of Towie in Clatt, in favor of Arthur, Lord Forbes, her brother, and Alexander, Maister of Forbes, his son. She had received a conveyance of these lands from her late father, John, Lord Forbes, under reversion of 8000 merks, which sum or an equivalent therefor it may be assumed that she now received.

18. **Renunciation and Discharge.** Marjorie Fergusson, wife of John Forbes of Balnagask, renounced her rights to the lands of Fintray callit Haltoun of Fintray, Cowstaines, Boigis and Newlandis and also Wester Fintray, Langeruik and Sewarcruiik, fishings on the Don, &c., in favor of Mr. Wm. Forbes of Craigiewar and Wm. Forbes, his eldest son.

1. *Vide* Records of Marischal College, P. J. Anderson, Vol. I., p. 143 *et seq.*

## Aberdeenshire Sheriff Court :

- 1625.
- June 18.     **Judicial Ratification.** Margaret Strachane, wife of John Leslie, elder, of Flinderis, and Margaret Forbes, wife of Patrick Leslie, Fear of Flinderis, ratified a Disposition, Grant of Redemption, and Renunciation made by their husbands of this date in favor of John Leslie of Wardes. The lands dealt with were the lands of Duncanstoun excepting the privilege of "fewall and moss leive furth of the mosses of Duncanstoun" to Auld and New Flinderis.
28.     **Loosings of Arrestments.** Nicol Ross of Auchlosin, Margaret Kynnaird, widow of Patrick Ross, Fear of Auchlosin, and Robert Ross of Hiltoun *v.* John Chalmer of Belnacraige and Alexr. Chalmer, Fear thereof. Cautioner Patrick Fergusone, Merchand, burgess of Abd. "Clodis turves fewall seall and dovat" within the alleged bounds of Newtoun, Carnebadie and Hiltoun.
29.     Alexr. Moir in Chappeltoun of Eslmound *v.* Wm. Birnie at Milne of Annachie. Cautioner James Murdoch in Barrak.
- July 2.     Patrick Henderson, Wobster in Cairnfield *v.* John Clerk, servitor to George Symson in Hiltoun of Behelvis. Cautioner Andrew Milne there.
- Alexr. Gordone, Fear of Abirzeldie *v.* Alexr. Skeyne of that Ilk and his tenants of Tulliehill and Auchmoir. Cautioner Duncan Forbes of Campbell. A dispute about the north-west parts of the Hill of Fair in the parish of Kinairnie.
14.     John Leslie of Wardes *v.* John and Patrick Leslie of Auld and New Flinderis. Cautioner George Leslie sometime of Booges. Peats in the Moss of Duncanstoun. [*Vide supra* 18 June.]
- Augt. 1.   **Renunciation by Widow.** Margaret Smyth, widow of Alexr. Milne, Boat Wricht, burgess of Abd., revoked all deeds done by her at her husband's command to her prejudice and specially a Bond to Wm. Gordoun, burgess of Abd., for 500 merks.
3.     **Loosings of Arrestments.** Andrew Chessor in Auchtidonald *v.* Edward Chessor in Gullie. Cautioners James Johnstone in Quhytearnes in the parish of Deir and Wm. Jamesone at the Mylne of Baithleme.
5.     Wm. Irving of Beltie *v.* Adam Smyth in the Hill of Beltie. Cautioner James Clerk, burgess of Abd.
12.    **Tutary.** Mr. Patrick Chalmer, indwellar in Banffe, presented gift dated 26 July preceding, appointing him Tutor to Helen and Isobel Brockie, daughters of Alexr. Brockie in Bachlaw and to Margaret and Elizabeth Brokie, daughters of George Brockie in Tarlair. Cautioner John Scattone, burgess of Abd.
31.    **Loosing of Arrestment.** Robert Forbes of Eight *v.* Alexr. Smyth in Dammes of Cullarie. Cautioner Mr. Gilbert Ross in Quhobbis.
- Sept. 3.   **Renunciation and Discharge.** Marjorie Cheyne, wife of John Leslie, elder, of Petcaple, renounced all her rights in the lands of Auld Craig, Kirkton of Daviot and others in favor of John Urquhart of Craigfintrie in liferent, and on his death to James Urquhart, his youngest son, and failing him to a long line of heirs.



## Judicial Enactments: Vol. III., Contents

1625.  
Sept. 5.     **Loosings of Arrestments.** George Wood in Glaskoforrest *v.* Thomas Chessor there. Cautioner Hector Smythe, burgess of Abd.
9.     Janet Ray and Patrick Gordone of Gordones Mylne, her husband *v.* James Brow in Scotistoun. Cautioner Thomas Gordone of Grandon.
10.    John Leithe of Counteswalls and Alexr. Smythe at the Milne of Brotherfeild *v.* Wm. Clerk sometime in Auchlie then in Kingiswallis. Cautioner Patrick Mengzes, burgess of Abd. Leithe had a claim for the rent of Auchlie and Smythe for abstracted multures.
- Alexr. Burnet, son of the late Alexr. Burnet of Craigour and John Burnet of Westir Cluny *v.* Thomas Burnet of Camphell and his tenants. Cautioner Andrew Burnet in Craigour. A boundary dispute.
- Katherine Irving, widow of James Burnet of Easter Clunie *v.* Andrew Burnet in Craigour and John Duncane there.
14.    **Renunciation of Succession.** Andrew Fraser, son of the late Walter Fraser sometime in Frasersburche, renounced all right to succeed to his father's estate.
17.    **Loosings of Arrestments.** John Forbes, second son of Arthur, Lord Forbes *v.* Sir John Leslie of Wardes, knight, and others. Cautioner Wm. Abircromby in Midtoun of Durno. The crop sown on the lands of "Glentoun on the east and north sydis of the burne callit the Glenburne or Longdiralburne."
21.    Wm. Smyth in Buquhanstoun *v.* Alexr. Smyth in Dayis. Cautioner Patrick Forbes, occupier of 4 oxengait at the Brig of Die.
- Wm. Smyth in Buchanstoun *v.* John Leslie, Cordonier in Cupidaill. Cautioner Alexr. Smyth in Dayis.
- John Leslie of Wardes and Wm. Leslie in Ryhill *v.* Andrew Harper in Scaltraiges. Cautioner Robert Abircromby at Milne of Petmedden.
26.    Patrick Leythe of Kirkton of Raine *v.* Archibald Raitt, portioner of Lentusche. Cautioner Thomas Forbes, Writtar, burgess of Abd.
- Patrick Meinzes, burgess of Abd. *v.* Thomas Watsoun, burgess there. Cautioner Alexr. Brabner, burgess there.
29.    Wm. Innes in Newburge *v.* Wm. Thomsone sometime there and then at Milne of Manye. Cautioner Robert Thomsone, Tailzeor, burgess of Abd.
- Octr. 4.   **Renunciation of Succession.** Wm. Keyth of Spittall, son of the late Andrew Keyth sometime of Spittall, renounced all right to succeed to his father's estate.
5.     **Loosing of Arrestment.** Archibald Beidie, principal tacksman of Milne of Syd *v.* James Fergusone sometime in Segieden then in Drumgowane. Cautioner Wm. Hoig, Maltman, burgess of Abd.

## Aberdeenshire Sheriff Court :

1625.

- Octr. 7.     **Conveyance of Crop and Stocking in Payment of Rent.** Walter Blak in Newburghe acknowledged that he owed rent to Baillie William Graye of Abd., his landlord, for his land at Newburghe, in payment of which he sold to Graye "threttie thrie threavis bear and fourtein threavis aittis Togidder with tua horss ane thairof [?] seir of sevin yeiris old, and the uther brown of ten yeiris or thairby, Togidder with the haill insicht and plenisching within his hous." The brown horse alone was delivered at the time.
18.     **Loosings of Arrestments.** Sir John Leslie of Wardes, "Knicht Baronat" v. John Gellen, younger and elder, in Easter Glentoun. Cautioner John Garioche of Badiven.
21.     Wm. Graye in Culsche v. Alexr. Troupe, servitor to James Reid of Mid Clova. Cautioner Richard Irving, indwellar in Abd.
22.     Robert Alexander, burgess of Abd. v. Robert Innes, Merchand, burgess there. Cautioner Nicolas Innes, Merchand, burgess there.
30.     John Stot, Flescher in Abd. v. Thomas Dempster, Flescher, burgess there. Cautioner Baillie Alexr. Jaffray.
- Novr. 16.     James Tailzeor in Kinnuckis and John Fiddes in Pettodrie v. George Dalgarno in Peithill of Kinnuckis. Cautioner Wm. Dalgarno of that Ilk.
17.     **Removing.** Abraham Abircrombie in Thriefeidle renounced the possession of Bonnytoun, of which his deceased wife, Helen Leyth, had been liferentrix, in favor of George Leythe, his son-in-law, and John Leythe of Qubythauch, his curator.
- Renunciation and Discharge.** Katherine Troupe, wife of Lawrence Gray at the Mylne of Mondurno, renounced in favor of Andrew Gray, their eldest son, and Beatrix Strauchin, his future wife, a tenement and croft in Old Abd. "betuixt the land of Mr. Wm. Lumisdeane on the South the burne callit Powyes burne on the North the Bruimehill on the West and the Kingis commone gait on the East."
- Tutary.** William Barclaye of Ardley, only brother german to umquhill Patrick Barclaye, Fear of Tollie, presented a gift under the great seal, dated 16 July, 1625, of the Tutory of Walter Barclaye, eldest son and apparent heir of the said Patrick Barclaye. Having accepted office he found James Gordoun of the Newtoun of Garioche as his cautioner.
- Deer. 5.     **Loosings of Arrestments.** John Ogstoun, Reader in Frasersburghe v. John Ogistoun in Maynes of Feddret. Cautioner James Birnie in Tarvis.
8.     John Keythe in Auchquhorsk and Robert Forbes in Tartowie v. Wm. Smythe in Fornet. Cautioner John Watstone in Litill Gowell.
19.     Mr. Alexr. Irving of Hiltoun v. Walter Skeddowaye, burgess of Abd. Cautioner James Tailzeor, burgess there.

## Judicial Enactments: Vol. III., Contents

1625.

Decr. 20. **Loosings of Arrestments.** John Touche, son of Marjorie Barbor, widow of John Touche, burgess of Abd. *v.* the said Marjorie Barbor. Cautioner Robert Blenschell, indwellar in Auld Abd.

29. Arthur Knycht in Barraldykes *v.* Wm. Thomesone in Kirktoon of Raine. Cautioner Mr. Robert Milne, burgess of Abd.

**Renunciation of Succession.** Thomas Milne, eldest lawful son of the late Alexr. Milne, Boat Wright, Frieman in Abd., appeared along with Mr. James Irving, Advocate in Abd., his Curator, and renounced all right of succession to his father's estate.

1626.

Jany. 17. **Renunciation and Discharge.** Janet Innes, "Lady Balquhyn," wife of John Leslie of Balquhyn, by this act renounced and discharged in favor of John Leslie of Petcaple and Marjorie Cheyn, his wife, her rights to certain lands fully detailed in the entry. These included Petbie, Knokallochie, Auchorthies and others. Sir Alexr. Hay of Delgatie signed the Act of Court as a consenting party.

28. **Loosings of Arrestments.** Jean Ryllie, daughter of the late John Ryllie in Abd. and Nicolas Innes, burgess of Abd. *v.* David Reid and Elspet Jamesone, his wife. Cautioner Patrick Meinzie, burgess of Abd.

Feby. 2. James Thomsone in Migvie *v.* Duncan Narne in Knoksoul. Cautioner John Calder (signing "Caddell") of Migvie.

11. Donald Stewart in Lynbeg *v.* Mr. Alexr. Ferries, Minister at Crathie and John Ferries in Tullich. Cautioner Thomas Ley, burgess of Abd. The arrestment had been laid on the effects of the late James Ferries, sometime in Tullich.

12. Walter Ross in Dilsak *v.* James Malcolme in Woodend of Birss. Cautioner Robert Milne, Merchand, burgess of Abd.

25. Patrick Meinzie, burgess of Abd. *v.* Andrew Aquhaith, Fermorer in Abd. Cautioner James Leslie, burgess there.

Mar. 11. Mr. James Forbes of Hawchtoun *v.* Wm. Thomesone there. Cautioner Wm. Blak at the Milne of Finzeauch.

14. **Spuilzie.** The Procurator Fiscal and Margaret Blakburne, wife of Mr. Andrew Aidie *v.* James Crystie, Deacon of the Tailzeoris of the Burgh of Abd., John Milne, Alexr. Ritchie, Wm. Younge, Wm. Andersone and Robert Wobster, all Tailzeores, friemen of Abd. Cautioner Thomas Gardyne, Tailzeor, burgess of Abd. Crystie and the others were charged with the alleged "away taking of ane halfe of ane parragon gown tua silver cowpes thrie spoones ane stick of pearling ane scheir ane outcutting iron west stuff & dyveris uther moweables" from Mrs. Aidie.

18. **Loosing of Arrestment.** John Gordon of Tullaquhowdie *v.* Alexr. Dawid-sone, sometime in Dawan, then in Pettyoit. Cautioner Thomas Burnet, Fiar of Kilduthie. The claim appears to have been for rents of Dawan and Ordie.

## Aberdeenshire Sheriff Court :

1626.

Mar. 21. **Loosings of Arrestments.** Mr. Wm. Davidsone, Parsone at Raithin *v.* Isobel Davidsone, widow of John Will, burgess of Abd. Cautioner Alexr. Guthrie, Merchand, burgess there.

May 8. John Forbes of Leslie *v.* Wm. Davie in Chappeltoun of Leslie. Cautioner David Craig in Crystiskirk of Rothmurriall.

20. Alexr. Smythe of Rora *v.* Thomas Cumyng in Maynes of Drumbreck. Cautioner Andrew Milne, Armorer, burgess of Abd.

24. Wm. Forbes of Tolquhone *v.* Wm. Webster in Blakstockes. Cautioner John Banerman in Collynie.

27. **Assault—Blood-drawing.** The Sheriff and David Craig in Clochmoir *v.* Wm. Knowes at the Milne of Clyntertie. Cautioner John Forbes of Balnagask.

29. **Loosings of Arrestments.** Alexr. Fraser of Parkak *v.* Alexr. Crowdan in Skaillmuir. Cautioner Wm. Keythe, servitor to Sir Wm. Keythe of Lodquharne, knight. “Nyn auld sheip aucht lambes ane lyart mair with ane broun foill ane blak staig tua kyne and thair followeris and tua steiris” belonging to Crowdan.

31. Sir Adam Gordoun of Park, knight *v.* Thomas Connand and James Roye, sometime in Beltimoir and then in Tornichelt. Cautioner Andrew Huid in Gaanche.

**Discharge of Wadset.** John Alexander, burgess of Abd., in respect of a payment of 5000 merks by Wm. Forbes of Barnes, declared to be redeemed “the toun and lands of Rudderstoun with the salmone fishing adjacent thairto on the water of Die,” &c.

June 2. **Loosing of Arrestment.** Wm. Scattoun of Udny *v.* James Russell in Meikle Coklay. Cautioner Wm. Keythe, servitor to Sir Wm. Keythe of Lodquharne, knight.

**Tutory.** Robert Johnestoun of [?] Craighall of Fechill accepted office as Tutor to Alexander, George, Margaret and Helen Johnestoun, children of the late John Johnestoun in Inverrurie. Cautioner John Arbuthnot, younger of Carnegall.

**Discharge of Wadset.** Isobel Rayer, wife of Alexr. Murray, burgess of Abd., with his consent, declared that the sunny fourth part of the lands of Chappeltoun of Essilmonth had been redeemed by Patrick Hepburn of Ferriehill and George Bruce, Saidler, burgess of Abd.

**Loosings of Arrestments.** Alexr. Forbes at the Milne of Tollie *v.* Robert Johnestoun in Craighall of Fechill. Cautioner John Arbuthnot, younger of Carnegall. Forbes was claiming 500 merks from Johnestoun.

3. Wm. Ingrahame in Quhytcarnes *v.* James Keir in Kynmundie. Cautioner Thomas Clerk in Auld Overtoun of Belhelvies.

Thomas Gordoun of Grandone *v.* Robert Joiss in Leuchlands. Cautioner James Cassie in Quhytstrypes.



## Judicial Enactments: Vol. III., Contents

1626.

- June 3. **Birth Brieve.** Wm. Leask of that Ilk, Mr. Patrick Gordoun of Bracka, Wm. Gordoun, his brother german, and George Leask, lawful son of Mr. James Leask, Minister at Cushnie, being examined on oath before the Sheriff depute, deponed "that Peter Leask now burges in Tarnowa within the dominioun of Poill is lawfull sone to umquhll Henrie Leask in Craighall and Margaret Hay his mother, borne in lawfull matrimonie of honest parents ex longa serie."

**Discharge of Wadset.** Margaret Seattoun, wife of John Dowgaitt in Ruthvenis (who signed "Diuguid"), and Marjorie Forbes, wife of Robert Dowgaitt in Balnastreine (who signed "Duguid"), renounced any rights they might have in the lands of Ruthvenis and others in the parish of Logymar in favor of Sir Alexr. Irving, apparent of Drum, and Dame Magdalen Scrymgior, his wife. It would appear from the entry that the granter of the wadset right was Wm. Dowgaitt of Auchinhuiff, who had assigned his right of reversion to the Irvings.

**Renunciation.** Marjorie Forbes, wife of Capitan John Forbes of Tulloche, renounced in favor of Wm. Dowgaitt of Auchinhuiff all rights she might have to Tilliariche and Tullochevenus in the Barony of Cluny.

7. **Renunciation, Discharge, and Ratification.** Isobel Gordoun, wife of Patrick Leythe of Licklieheid, renounced and discharged in favor of John Forbes of Leslie her right to Licklieheid in the parish of Premnay. Patrick Gordoun, elder, of Kyneraigie, also specially renounced his rights to some parts of Licklieheid and Auchlevin, also in favor of John Forbes of Leslie.

13. **Curatory.** Helen Andersone, youngest lawful daughter of Mr. Wm. Andersone, the Sheriff Clerk, with his consent, chose as her curators Mr. Robert Gordoun of Straloeche and Mr. James Irving, Advocate in Abd., who accepted office and gave their oaths *de fidei*.

17. **Loosings of Arrestments.** James Arbuthnot in Little Carnebeg, brother german of Sir Robert Arbuthnot of that Ilk *v.* Andrew Arbuthnot, brother of George Arbuthnot in Pitcarles. Cautioner the said George Arbuthnot.

Henry Turing of Saak *v.* Wm. Andersone in Auld Glanderstoun. Cautioner James Andersone there.

19. George Logie in Swailend *v.* John Stevin in Parwynnies. Cautioner Richard Drum in Boigholl.

**Revocation of Deeds granted in Minority.** James Leslie of Auchquhorties, stating himself to be in his 21st year, in addition to a general revocation, specially revoked a cautionary obligation entered into for Walter Innes at the Mylne of Siggatt, which was being enforced by James Crichtoun of Frendraucht.

- July 7. **Loosing of Arrestment.** Mr. Thomas Davidson, Commissar Clerk of Abd. *v.* Mr. Thomas Gordoun of Kethokismilne. Cautioner Alexr. Hiervie in Watertoun, Peats in the Moss of Areburne.

## Aberdeenshire Sheriff Court :

1626.

- July 12.     **Loosings of Arrestments.** John and George Gordone, elder and younger of Tillachawdie *v.* Wm. Dowgaitt of Auchinhuif and Robert Stevin in Tillilair. Peats, &c., in the Moss of Tillachawdie.
18.         George Rickart, burgess of Abd. *v.* Alexr. Fergoussone in Knokhall and such other tenants there and of the lands of Newburghe as had leave from James Crichtoun of Frendracht to cast peats, &c., in the Mosses of Fiddes and Auchnacant. Cautioner Mr. John Horne of Balgownie.
22.         **Lawborrows.** John Ranye in the Milntoun of Cushnie *v.* John Glennie in Easter Fowells. Cautioner John Davidsone in the Broune Hill of Toilmads.
25.         **Loosings of Arrestments.** Sir James Gordoun, elder, of Lesmoir *v.* Alexr. Forbes of Petsligo and his tenants of Meikle Wardess. Cautioner Robert Forbes of Auldtoun Wardes. Peats in the Meikle Slak of Foudlein.
- Augt. 17.     Capitan John Forbes of Tulloche *v.* Robert Ferquharson of Cloak. Cautioner Mr. Alex. Jaffray, Bailie, burgess of Abd. Peats in the Mosses of Tulloche and Tilliriauche within the parish of Touche.
24.         **Discharge of Marriage Portion.** Marjorie Elphinstone, wife of Francis Fraser, second lawful son of Andrew Fraser, elder, of Staynniewood, acknowledged that the marriage portion of 10,000 merks secured to her by her late father, James, Lord of Balmerinoche, had been paid. She therefore discharged her brother, John, Lord of Balmerinoche and the heirs of her father and of the late Sir Alexr. Drumond of Medoip, knight, and renounced her rights under a Bond of Annualrent secured over the Lordship of Balmerinoche and Baronies of Rastarrig and Barntoun.
31.         **Loosings of Arrestments.** Robert Ferquharsone of Cloak *v.* Wm. Duguid of Auchinhuif. Cautioner Robert Stevin in Tillilair.
- Sept. 1.       Alexr. Irving of Murthill *v.* Alexr. Knowis at the Milne of Murthill, John Archibald in Miltoun of Murthill, David Archibald there and Alexr. Kay sometime there then in Bingzell of Murthill. Cautioner Thomas Murray, burgess of Abd.
2.         Alexr. Irving of Murthill *v.* Marjorie Meinzie, widow of Thomas Forbes of Schethockisley. Cautioner James Mowat of Ardo.
6.         Gilbert Jamesone in Auldmeldrum *v.* Walter Mair in Hilbrae. Cautioner James Setone of Petmedden.
8.         Mr. Robert Udny of Lammyngtoun and Henry Leslie in Woodheid *v.* Wm. Ray in Touches. Cautioner Gilbert Johnstoun of Pettiesmilne.
- Mr. Robert Udny of Lammyngtoun, Henry Leslie in Cowstaines and Andrew Bauerlay there *v.* Wm. Wood in Lairishill, John Symmer there and Robert Cruikshank in Seattis. Cautioner Wm. Setoune of Disblair.
14.         James Elphingstoun of Glack *v.* John Black sometime in Glack then in Milntoun of Durno. Cautioner Wm. Abircrombie in Milntoun of Durno.

## Judicial Enactments: Vol. III., Contents

1626.  
Sept. 20.     **Renunciation, Discharge and Ratification.** Janet Gordoun, widow of Andrew Forbes, eldest lawful son of Alexr. Forbes of Boyndlie, and wife of John Gordoun of Drumbuilg, renounced in favor of Andrew Fraser, elder, of Staynniewood, all her rights to 16 oxengait, extending to two ploughs, of the lands and Mains of Kynmundie in the parish of Langsyd. A decree of the Court of Session of 29 July, 1626, was referred to.
23.     **Loosings of Arrestments.** James Cheyne of Arnadge *v.* Patrick Reid in Cornabo. Cautioner Mr. Alexr. Reid, burgess of Abd. Crop sown upon an "alleggit pairt of the lands of Balquhorsk callit the Warmestain [or Warniestain] thair."
30.     Alexr. Irving of Drum and Thomas Murray, burgess of Abd. *v.* Alexr. Kaye sometime in Milntoun of Murthill then in Beinzeill. Cautioner Walter Yuill in Beinzeill.
- Marjory Meinzie, liferentrix of Glasterberie *v.* Walter Yuill in Beinzeill. Cautioner Alexr. Kaye there. The crop "on the burnsyde of Eilstoun on the west syd of the samen on that pairt thair of callit the North Boig."
- Octr. 26.     **Tutory.** Wm. Hoig of Gellan had a gift under the great seal dated 21 Sepr, 1626, of the Tutory of Thomas Forbes, younger lawful son of the late Thomas Forbes of Shethockisley. He now accepted office and found Robert Keythe, burgess of Abd., as cautioner.
- Novr. 13.     **Loosings of Arrestments.** John Jamesone in Tillienessell *v.* David Cowtes at the Miln of Innentuir. Cautioner Mr. Wm. Forbes of Cragiwar.
15.     Wm. Murcor, burgess of Abd. *v.* John Gordoun at Trowpsmiln. Cautioner Mr. Robert Bisset of Lessendrum.
22.     Mr. Wm. Forbes of Cragiwar *v.* Robert Ferquharson of Cloak. Cautioner Alexr. Erskyne of Petskurrie.
- Wm. Gordoun in Micras *v.* John Fraser there. Cautioner Robert Farquharsone of Cloak.
25.     John Ogilaie in Auld Govell *v.* Gilbert Johnnestoun in Kynmundie. Cautioner Wm. Johnnestoun, Wobster at the Milne of Kauell.
1627.  
Jany. 1.     James Irving of Brucklaw *v.* David Tailzeor, Cowper, burgess of Abd. Cautioner John Innes, Cowper, burgess there.
9.     Mr. Robert Bisset of Lessendrum *v.* John Bisset in Staynniefeld. Cautioner John Hill in Meleinsyd. In this case the buildings on Staynniefeld and the whole wood work about them had been arrested.
31.     Dame Janet Elphinstoun, widow of Sir Patrick Barclay of Tollie, knight, and James Stewart of Ryland, her husband *v.* Wm. Barclay of Ardley, Tutor of Tollie and a number of tenants of Tollie. Cautioner Donald Urquhart, occupier of 16 oxengait of the lands of Fintraye.

## Aberdeenshire Sheriff Court :

1627.  
 Feby. 6.     **Loosings of Arrestments.**   Wm. Trowp, younger, in Cultis *v.* Archibald Hervie, Cottar in Peildsyd. Cautioner Richard Watstone, burgess of Abd.
15.     Andrew Meldrum, burgess of Abd. *v.* John Williamstoun in Harlaw. Cautioner John Leslie, Fiar of Petcaippill.
17.     Andrew Nicolstone in Peterheid *v.* Andrew Muresone in Dennis. Cautioner Robert Muresone in Dennis of Craig of Enrugie [Inverugie].
- Ross of Auchlossin, Mr. John Ross, Minister at Birss, and Wm. Ross at the Milne of Auchlossin *v.* James Scott in Wester Tulloche. Cautioner Patrick Scott, Notary Public.
- March 6.     **Receipt for Stent Roll.**   "Compeirit Robert Merse, Messenger and resaut from Mr. Wm. Andersone, Shref Clerk of Abd., the principall Stent Roll of my Lord Marqueis his wassallis of the Lands haldin of his Lo/ within the Shredome of Abd."<sup>1</sup>
19.     **Loosing of Arrestment.**   The Marquis of Huntlie *v.* Patrick Lumsden in Pettulie. Cautioner James Skeddowaye, Wolster in Auld Abd.
26.     **Renunciation of Succession.**   Robert Duguid, eldest son of the late Wm. Duguid in Waird of Slaines, renounced his succession to his father. He had been charged to enter as heir by Susanna Haye, his father's widow, and David Jaffray, burgess of Abd., her husband.
27.     **Removing.**   James Tempill in the Maynes of Schiethyn renounced his holding of the third part thereof in favor of Janet Cheyn, Ladye Schiethyn and Wm. Seattoun of Schiethyn, her husband.
31.     **Loosings of Arrestments.**   Andrew Heruie in Waird of Kynmundie *v.* Isobel Moir, widow of Andrew Heruie sometime in Kynmundie. Cautioner Robert Johnestoun in Middil Disblair.
- April 5.     Robert Irwing of Fedret *v.* Geils Dowglas, widow of Hew Crawfuird of Quhyt-hill and Wm. Keythe of Logyruiff, her husband. Cautioner Wm. Leask, elder, of that ilk.
19.     Andrew Fraser of Staynniewood *v.* Wm. Graye in Cowburtie. Cautioner John Allan in Brigend of Cowburtie.
- May 5.     Sir Wm. Forbes of Manimusk, knight baronate *v.* James Forbes in Manimusk. Cautioner James Forbes, burgess of Abd.
15.     **Discharge of Wadset.**   In consideration of 4000 merks paid to him by Wm. Seatoune of Meldrum, Mr. Wm. Lumsden, Advocat in Abd., declared to be redeemed the lands of Hedderweik in the parish of Kinkell and barony of Balbithane. Lumsden was assignee of Mr. Wm. Barclay, Advocat in Abd., and Seatoune had come in the place of George Chalmer of Balbithane.

<sup>1</sup> From a marking on the margin it would appear that the Roll was returned on 10 October.



## Judicial Enactments : Vol. III., Contents

1627.

May 19. **Renunciation and Discharge.** Marjory Leyth, wife of George Leslie, sometime of Boigis, renounced in favor of the "Richt Honorabill" Alexr. Gordoun of Dunkyntie all her rights to the lands of Boigis in the parish of Leslie.

**Loosing of Arrestment.** Robert and John Michell, lawful children of Chrystie Michell *v.* Margaret Layng, his widow, and now wife of Mr. John Duncan in Cul-salmond. Cautioner George Gordoun of Wrangham.

**Discharge of Wadset.** In consideration of 6000 merks paid by Wm. Seattoun of Meldrum, Isobel Irwing, wife of John Irwing of the New Place of Balbithan, renounced and discharged all her rights in Auld Place of Balbithan.

21. **Discharge of Wadset.** In consideration of 10,000 merks paid to them by James Fraser of Tyrie, John Irwing of Torrieleithe and Isobel Irwing, his wife, renounced and discharged their rights to the lands of Cardno, Torvachie Kinboig, Maynes of Tyrie and a number of other subjects, both principal and warrandice lands, situated in the parishes of Phillorthe, Tyrie and Raithin.

**Renunciation and Discharge.** Margaret Gordoun, wife of Alexr. Leslie of Auquhorsk, renounced her rights to the lands of Auquorsk, situated in the parishes of Logydurno and Oyn, in favor of John Leslie, younger of Petcaippill.

22. **Loosings of Arrestments.** John Urquhart of Craigisfintrie *v.* Wm. Salter in Crichneleid. Cautioner John Setoun of Mynnes.

June 7. James Leslie of Auquorthies *v.* Wm. Tailzeor in Natherbliging of Auquorthies. Cautioner Wm. Setoune of Disblair.

May 25. Thomas Watsoun, burgess of Abd. *v.* David Tailzeor and John Innes, Cowpers, burgesses of Abd. Cautioner Andrew Udnie, Saidler, burgess of Abd. Watsoun's claim was for 166 knapellis [oak staves from Memel, Danzig, &c.] which had been arrested in the house of Walter Blak in Newburghe, or else the just prices thereof.

June 16. **Renunciation and Discharge.** Jean Forbes, wife of John Touche, burgess of Abd., renounced in favor of Mr. John Horne of Balgownie a lease of a tenement on the West side of the Gallowgate, which had been granted to her by her late father-in-law, John Touche the elder.

20. **Loosings of Arrestments.** Robert Carnegie and Katherine Cowtis, his mother *v.* Thomas Farquharsone in Ballachie. Cautioner Nicol Ross of Auchlossin. Peats on Wester Kyncardyn and Milntoun of Kyncardyn.

21. James Muckle at the Litill Milne of Seattoun *v.* James Andersone in Auld Abd. Cautioner Robert Deskrie (signing Dascorie), burgess of Abd. 17 merks in the hands of Mr. Wm. Seattoun of Thorntoun.

July 5. George Gordoun of Terpersie and Patrick Gordoun, his son *v.* James Cheyn of Arnadge. Cautioner John Liddell, Cowper, burgess of Abd. Peats in the "Moss of Boigis of Badinscoith" in the parish of Auchterles.

## Aberdeenshire Sheriff Court :

1627.

July 5. **Loosings of Arrestments.** Walter Robertstone, burges of Abd. *v.* John Yuill in Murthill. Cautioner Wm. Trowp in Cultis. Peats on the "west pairt of Ovir Bodomes" in the parish of Banchorie Devenick.

Charles, Earl of Dumferling with George, Earl of Weyntoun, his tutor, and George Gordoun of Terpersie *v.* Mr. John Forbes, Parson of Auchterles. Cautioner Alexr. Watson, Merchand, burges of Abd. Peats in the Moss of "Boigis of Darley."

13. John Bruce, sometime at Meikill Milne of Essilmonth *v.* Alexr. Lyoun of Muirs. Cautioner Andrew Leslie, burges of Abd.

28. Wm. Reid, alias Towar, in Auchmeinzie *v.* Jean Irwing, widow of Mr. Robert Youngsone, Parson of Forbes. Cautioner Matthew Youngsone, Tailzeor, frieman in Abd.

Augt. 11. Wm. Forbes of Tillikirie *v.* Alexr. Urquhart and Patrick Andersone in Torreis. Cautioner George Leslie of Kincragie. Peats in the Moss of Craigmaid.

15. **Tutory.** Patrick Farquhar, burges of Abd., who had gift under the great seal of date 18 July, 1627, of the Tutory of James and Isobel Horne, children of Wm. Horne in Brockhoillis, accepted office, took the oath *de fideli*, and found Mr. Thomas Davidstone, Commissary Clerk, as his cautioner.

24. **Loosings of Arrestments.** Patrick Meinzie, burges of Abd., and Andrew Meinzie of Carnerobin *v.* Mr. Wm. Moir, burges of Abd. Cautioner Mr. John Moir, burges of Abd.

Sept. 14. John Ogilvie in Urina [? Urma] *v.* James Findlay in Pettulie. Cautioner Alexr. Fraser of Nather Memsie.

19. Sir John Leslie of Wardes, knight baronet *v.* George Grub, burges of Inverurie. Cautioner John Mackie, younger, burges there. Crop upon part of Ardtannies.

20. Thomas Fraser of Strichen *v.* James Fraser of Tyrie. Cautioner Wm. Davidsone in the Milne of Meikill Auchmacoy. Crop upon the land lying "on the east syd of the New Waird of Boigrothin."

29. Alexr. Irwing of Murthill *v.* John Murray in the Milnetoun of Murthill and others. Cautioner Thomas Murray, burges of Abd. Crop upon the lands of "Southfeiddill."

Octr. 2. Thomas Fraser of Strichen *v.* Alexr. Forbes of Petsligo and his tenants of Bennamone. Cautioner Alexr. Forbes of Bouthles. Crop upon the "brae of the west syd of the Reidboig."

George Gordoun of Newtoun *v.* Marjorie Horne, widow of John Leslie in Brankanentum. Cautioner James Mitchell in Wedderburn.

John Urquhart of Craigsintrie *v.* Thomas Urquhart, sometime at Milne of Saphack, then at the Chappel of Andat. Cautioner John Forbes of Gask.

## Judicial Enactments: Vol. III., Contents

1627.  
Octr. 30.     **Renunciation and Discharge.** Marion [signing Mareon] Douglas, wife of Alexander Irving of Drum appeared and acknowledged that she had been infest in liferent in the lands and barony of Ochterlonie, alias Kellie, the lands of Cuthlie, the lands of Arbirlott and others in the county of Forfar [fully specified in the entry] and in respect thereof renounced and discharged in favor of her husband all her rights to the lands of Mains of Fedderat and others in the barony of Fedderat and county of Abd., the towns and lands of Straquhan and others on the north side of the water of Feuche in the barony of Straquhan and county of Kincardine, the town and lands of Tarland in the parish of Tarland and county of Abd., the towns and lands of Coull in Cromar and others in the barony of O'Neil and county of Abd. [the lands being fully specified in the entry], as well as an annualrent of "fourscoir bollis bear & threttie sex geiss to haiv bein yeirlie upliftit furth of the tounes & lands of Ouir and Nather Ruthvenis in Cromar." If in any case she did not receive the provision specified in the entry her original rights were to revive.
- Novr. 14.     **Loosings of Arrestments.** John Forbes of Byth v. James Michie in Belnagald, Allaster Wattie there, Andrew Chalmer there and a number of others in Glencarvie and that neighbourhood. Cautioner Alexr. Forbes of New.
16.     Sir Alexander Gordoun of Cluny, knight baronet v. Patrick Forbes in Kynmundie. Cautioner James Hempseid in Newtoun of     400 merks in the hands of Wm. Meldrum in Muirtoun of Corsindae.
19.     John Forbes of Byth v. Arthur Forbes at the Milne of New. Cautioner Wm. Forbes of Culquhonie.
- Mr. Alexr. Paip, Advocat in Abd. v. Alexr. Charles sometime in Newburghe of Forrest and then in Skaillmuir. Cautioner Mr. George Setoune, brother of Wm. Setoune of Schethin.
20.     **Renunciation and Discharge.** Agnes Lumsden, wife of James Reid, younger, of New Milne, renounced and discharged all her rights to New Milne in Kildrymmie in favor of James Reid, elder, of Mid Clova in liferent and Mr. Robert Reid, his son, in fee.
21.     **Loosings of Arrestments.** Wm. Leslie in Tulliche v. Beatrix Middiltoun, widow of Robert Cowtes at the Milne of Logye. Cautioner Robert Cowtes in Bountie.
- Wm. Fraser, brother german of the late Alexr. Fraser of Techmuir v. Janet Seattoun, his widow. Cautioner Wm. Seattoun of Schethin.
- Decr. 11.     Mr. John Cheyne and Alexr. Rolland, burgess of Abd. v. Alexr. Smart in Kyn-toir. Cautioner Thomas Kellie, elder, Baxter, burgess of Abd.
22.     Marjorie Stewin in Wester Kyncardyn v. Wm. Duncane in Petmurchie. Cautioner Alexr. Duncane in Dubbis.
1628.  
Jany. 4.     James Reid, younger, of New Milne v. James Sheid in Ardwell. Cautioners James Cuik in Howboig of Cabrache and Wm. Huid in Powneid of Cabrache.

## Aberdeenshire Sheriff Court

1628.

Feb'y. 5. **Loosings of Arrestments.** Richard Tailzeor in v. John Milne, as executor of John Strauchin, sometime at the Milne of Dennatie. Cautioner John Gardyne of Bellamoir.

6. Robert Dempster of Cuschny v. John Coupland of Newmill of Auchterles. Cautioner John Meldrum, Fear of Fouslie.

14. John Ogiluie of Birnes v. Alexr. Walker at the Milne of Birnes. Cautioner Alexr. Haye of Brunthill.

Mr. Gilbert Keythe, portioner of Finnerseis v. John, Bessie and Margaret Forbes, children of the late Patrick Forbes, sometime in Litill Finnerseis. Cautioner Peter Thomesone, Cordoner in Milntoun of Finnerseis.

16. Alexr. Cobban at the Milne of Culsche v. George Mitchell in Eastoune. Cautioner John Gordoun, Brodinsten [Embroiderer] in Abd.

27. James Calder of Asloun v. Robert Gareoeche at the Kirk of Cushnie. Cautioner Thomas Straquhan, occupier of a croft on Rubislaw.

Mar. 26. Bessie Lumsden, wife of Arthur Gareoeche in Cushnie v. Duncan Fyf at the Milne of Cushnie. Cautioner George Ross in Feddret.

April 18. Alexr. Irving of Altrie v. John Forbes, brother german of James Forbes of Blak-toun. Cautioner Wm. Forbes, also his brother.

Walter Seatoun at the Milne of Bourtie v. Alexr. Davidsone at the Milne of Many. Cautioner Robert Iruing, Cowper, burgess of Abd.

24. The Marquis of Huntlie v. Marjorie, Janet and Isobel Bisset, sisters of the late Mr. George Bisset of Petmukstoun. Cautioner Walter Ross, officer in Clatt.

29. Alexr. Robertsons in Curtestoun v. James Nicoll in Kirkton of Oyn. Cautioner John Leythe, elder, of Harthill.

30. Sir Wm. Forbes of Monymusk, knight baronet v. Robert Chalmer in Cowlie. Cautioner John Chalmer in Tofthillis.

May 13. John Forbes of Leslie v. John Leyth of Edingerak. Cautioner Wm. Leslie of Ryhill.

17. John Leslie of Balquhyn v. Wm. Mearnes in Cowbyre of Balquhyn. Cautioner Alexr. Mearnes in Nathertoun of Knokinblewis.

24. Sir Wm. Keythe of Ludquharne v. Wm. Cowper in Conzeik. Cautioner Alexr. Cowper at the Auld Milne of Bruxie.

**Commission by Sheriff Depute and Sheriff Clerk** (Incomplete). Commission by Wm. Gordon, Fear of Knokaspak, Sheriff depute, and Mr. Wm. Anderson, Sheriff Clerk to a Sheriff depute, and Sheriff Clerk in that part, to take the Renunciation of Agnes Lumsden, wife of James Reid, younger, of New Milne [*vide* p. 295 *supra*]. The lands are here described as in Kildrymmie and Auchindoir. In the former entry Kildrymmie alone was mentioned, which might account for this second renunciation.



## Illustrative Examples taken from Vol. III. of Judicial Enactments

### Cautionary Obligation—Conditions of Tenancy

(25 August 1620)

The said day compeirit Margaret Paull relict of umquhill Robert Watstone in Murcour as principall and Robert Gordoune in Blindburne of Arnage as cautioner sowertie and full dettour for and with the said Margaret and obleissit thamselvis thair airs executours and assignayes conjunctlie & seuerallie to Mr Thomas Meingzeis of Balgownie his airs executours & assignayes in maner eftir following That is to say that forsameikle that the said Margaret presentlie occupies & possesses the sext pairt of the toune and lands of Murcour extending to aucht oxingait lands quhilk was possessit be hir said umquhill husband & hir the tyme of his deceis quhilk wes in the moneth of Junii last 1<sup>m</sup> sex hundrethe & twentie yeirs and swa being now inclusit within termes cannot presentlie be remowit fra the foirsaid lands lyand within the parochin of Sanct Machar & Shrefdome of Abd quhill the feist & terme of Witsonday nixt 1<sup>m</sup> sex hundredthe & twentie ane yeirs and that thairby the said Margaret hes richt to occupie and labour the said sext pairt lands unto the said terme off Witsonday nixt in semblable maner as scho and hir said umquhill husband did befor his deceis Thairfoir the said Margaret and hir said cautioner obleissis thame & thair foirsaid conjunctlie & seuerallie as said is To sufficientlie plenishe labour & occupie the said aucht oxingait lands for winning of the cropt 1<sup>m</sup> sex hundrethe and twentie ane yeirs befor specifiet and to pey the lyk maills fermes dewties & dew seruice to the said Mr Thomas & his foirsaid as the said umquhill Rot Watstone & the said Margaret his spous payit the yeirs immediatlie preceeding for thair occupatioune of the samen lands with the mylne seruice multurs knawschip & uthers usit & wont And that the said Margaret sall pairt the outfeild of the saids aucht oxingait lands with hir nichtbours presentlie be the adwyse of the said Mr Thomas hir maister or sik as he appoynts to that effect and in caice it sall happin the said Margaret to remowe at the said term of Witsonday 1<sup>m</sup> sex hundrethe & twentie ane yeirs that scho sall leawe the haille houssis & biggings on her said occupatioune als sufficient and in als guid estait as they ar presentlie And sall keip nichtboured in labouring of the saids lands outfeild & infeild thairoff so far as concerns hir pairt thairof with the remanent of the nichtbours [Follows clause of relief to cautioner & notarial signature—Notary leading lady's hand]

## Aberdeenshire Sheriff Court :

### Disposition of Moveables by a Mother to her Son

(8 November 1620)

The said day in presens of the Shref deput foirsaid compeirit Margrat Gareoche relict of umquhill Alexr. Chessor in Glasgoforrest now understanding hir selff to be aigit and decrepeit and nocht abill to awaill or labour the grund nor sustein or awaill on hir effairis as scho did abefoir without the gryt wrak and hurt of hir selff guidis and geir And thairfoir for the better sustentatioune of hir now in her auld aige hes receawit Thomas Chessor and Elspet Moir his spous in hir househould and hes sauld and disponit to the said Thomas the haill insicht and plenisching within the samen with the haill remanent guidis and geir pertening to hir viz : The insicht and plenisching estimat to twentie punds ten oxin pryce of the peice owerheid ten punds thrie ky pryce of the peice owerheid ten merks thrie steris pryce of the peice sewin merks four horss pryce thairof the better to mend the war owerheid all feftie merkis twentie four heids auld scheip pryce of the peice owerheid threttie sh Item aucht hoigis pryce of the peice twentie schillingis Item sex scoir bollis aitts pryce of the boll owerheid fourtie schillingis sextein bollis beir pryce of the boll four punds and hes gewin him presentlie intro-missione thairwith for the susteining of the said Margrat in meitt claites bed & buerd within the said dwelling hous during all the dayes of hir lyftyme honestlie as effeiris and becumis hir estait and as apperteins the dewetie of ane sone to his mother with speciall prouisioun that in caice it sall happin the said Thomas to depairt this present lyiff befoir his said mother scho for hir sustentatione during hir aige to be repossessit to hir occupatione of the said dwelling haill guidis and geir befoir specifiet and scho to haue the use thairof during all the dayes of hir lyftyme and with libertie to hir to dispoune thairupone als sall thnk expedient and giue the said Thomas happins to outleiwe the said Margrat the said Thomas obleissis him his airis executours and assignayes to pay and delyuer to Alexr Richie the sowme of ane hundrethe merks Item to Mr Wa Chessor the sowne of feftie merks and that immediatlie eftir the deceis of the said Margrat quhen the samen sall happin and the haill remanent guidis geir insicht plenisching & utheris quhatsumewer that scho hes and apperteins to hir the tyme of hir deceis forsaid sall justlie belang and appertein to the said Thomas quhairunto the Shref deput forsaid interponit his authoritie & thairon the saidis Thomas & Margrat tuik act of Court and Instrument

[Signed notarially by Margrat Gareoche]

## Judicial Enactments: Vol. III., Illustrative Examples

### Renunciation by a Daughter of Succession to her Father

(6 August 1621)

The said day in presens of the Shref deput foirsaid compeirit Agnes Huesone onlie lauchfull dauchter and bairne on lyff to umquhill Jhone Huesone burgess of Abd hir father and of her awin frie motive will oncoactit or compellit certiorat of hir awin richts quhairupone shoe gave hir corporall aith for hir awin weill and utilitie Renuncit Dischargit and past frae all successione of lands heritage legacies bairns pairt of geir or uther guids and geir moveable or unmoveable quhatsumevir shoe micht crave be successione testament or utherwayes be deceis of hir said umquhill father and protestit in respect of hir said renunciatione that shoe micht be quyt and frie of all actione that micht be intendit against hir at the instance of the creditors of hir said umquhill father and in speciall of sick actione as Bessie Tillidaff lauchfull dauchter to umquhill Alexr Tillidaff burges of Abd and Alexr Rowane [or Rowand] spous to the said Bessie for his entress hes or any wayes maye haue against hir as onlie lauchfull bairne and appeirand air to hir said umquhill father for quhatsumevir alienationes dispositiones wadsettis maid be hir said umquhill father to the said umquhill Alexr or actione of warrandice against the airs of hir said umquhill father that may result thairupone be reasone of the said alienationes byrune and excrescent profits of the samen and that shoe be quyt and frie thairof in all tyme cumming upon the quhillk the said Agnes now being of lauchfull and perfytt aige of tuentie ane yeirs and with consent of Jhone Tilledaff burges of Abd hir mother brother german Andrew Huesone burges of Abd her father brother germane and Samuell Meassone hir father in law askit act and instrument Quhairunto the Shref deput foirsaid interponit his auctoritie

AGNES HUISONE

Mr W PAIP Sref

JHONNE TULLIDAFF consentis

ANDROW HOWESONE witnes

### Entries relating to Dr. Arthur Johnston, his Affairs and Family

#### I.

(12 June 1622)

The said day In presens of the Shref deput forsaid compeirit Issobell Burnet relict of umquhill Jhone Burnet burgess of Abirdein and of hir awin frie motive will uncoactit or compellit for hir awin weill utilitie and profitt certiorat of her awin richt quhairupone shoe gave hir corporal aithe Renuncit dischargit and past fra hir conjunct fie and

## Aberdeenshire Sheriff Court :

lyvrent or quhatsumewir uther richt shoe hes or may clame to ane tenement of inland backland with the yaird closs and pertinents lyand upone the east syd of the Gallowgait betuix the land of Mr Wm Paip at the southe the land of Alexr Forbes at the northe the croft and tailies of umquhill Robert Andersone at the east the forland of the said tenement now pertening to Daud Meluing at the west, with the frie issue and entrie to the said tenement of land merchit as said is at the foir and back yetis And that in favores of Mr Arthur Jhonstoune doctor of physick and Marie Cagnoncle his spous now heritable proprietars and conjunct fiers of the samen . . . To the effect the samen may heritable remaine with thame paceablie bruikit joysit and possessit be the said Mr Arthur his said spous the longest leiver of them tua quhairunto the Shref deput forsaid interponit his auctoritie . . . .

Mr W PAIP  
Shreff

Mr ANDERSONE Sreffle Clark  
off the Sreffdome off Abd

### II.

Eod : die

The said day compeirit Alexr Andersone in Tillenturk and became cautione and sovertie for Thomas Burnet burges of Abd that the sowme of saxtein hundrethe merks in the hands of Mr Arthur Jhonstoune Doctor of physick alledgit pertening to the said Thomas arreistit at the instance of Alexr Graye burges of the said bruche sall be furthcumand to him and Issobell Corser his spous for payment to thame of the sowme of tua hundrethe thrie scoir and                      pundis principall sowme with the sowme of four scoir pundis liquidat expensis as law will and Mr Wm Burnet Minister at Kinarnie oblist him to releive the said Alexr of the cautionrie aboue writin and all that may follow thairupone

ALEXR ANDERSON  
Mr W BURNET

### III.

Eod : die

The said day compeirit Patrick Skeyne in Baidindodde and became cautione and sovertie for Mr Wm Burnet Minister at Kinarnie that the sowme of ane thousand pundis less or mair in the hands of Mr Arthur Jhonstoune Doctor of Physick pertening to the said Mr Wm and arreistit at the instance of James Jhonstoune in Isaakstoune sall be furthcumand to the said James as law will for payment to the said James of the sowme of thrie hundrethe merks alledgit promisit be the said Mr Wm to the said James and the said Mr Wm oblist him to releive his



## Judicial Enactments: Vol. III., Illustrative Examples

cautioner of the cautionrie aboue writin and of all that may follow thairupone

Mr ANDERSONE

Mr W BURNET

### IV.

(28 August 1622)

The said daye in presens of the Shref deput forsaid compeirit Mr Arthur Jhonstoune Doctor of physick and being passing out of this realme and uncertane of his returning Electit nominat and chusit (as father & lawfull administrators to James Lodvice Nicolas and George Marie and Susanna Jhonstounes) Mr Duncane Forbes of Balnagask Jhone Forbes his eldest lawfull sone and Gilbert Jhonstoune of Forresterhill or any tua of thame curatores ad lites et negotia reulers guiyders and lawfull administrators of the saids bairnes thar guids and geir induring his absence out of the realme

Mr W PAIP Sref

Mr ART JONSTON D.M.

### V.

(16 Novr 1622)

Compeirit James Jhonstoune in Isaakstoune and past frome the arrestment maid at his instance upone sick sowmes of monie as wes restand to Thomas Burnet burges of Abd in the hands of Mr Arthure Jhonstoune Doctor of physick and wes content that the saids sowmes suld be upliftit be the said Thomas or his assignayes or any uther hawand richt thairto

JAS JHONSTOUNE with my hand

## Harrows Croft, Aberdeen

(15 August 1623)

The said day compeirit Hendrie Ord heritabill possessor of ane croft of Land callit Harrowis croft lyand within the territoireis of the freidome of Abd upone the eist syd of the Denburne quhilk he hauldis now in few of Mr Thomas Johnestoune burges of the said burght and grantis him restand awand to the said Mr Thomas for his few dewitie of the said croft this instant croft & yeir of God 1<sup>m</sup> sex hundrethe tuentie thrie yeirs aucht bollis sufficient beir with tua bollis seid beir quhilk sew the said croft this instant croft And in respect the said Hendrie is nocht abill to win the croft & scheir the samen be reasone of the skearsnes

## Aberdeenshire Sheriff Court :

this present yeir Thairfoir the said Hendrie of his awin frie motiwe will for haulding & saifing him self frie of contracting ony forder dett sellis and dispois to the said Mr Thomas the haill cornis presentlie growand upone the grund of the said croft for payment of the said few dewitie and tua bolls seid beir and is content that the said Mr Thomas sould presentlie enter win & scheir the samen transport leid & carie the samen to ony pairt or place he pleasis as his awin proper cornis upone his awin expenssis. Quhairunto &c &c [Notarial docquet as Ord could not write]

### Birth Breives

#### I.

(2 March 1625)

Compeirit Gilbert Leslie burges of Abirdein George Stewart thair Mr George Andersone and Mr Alexr Paip Advocattis in Abirdein quha being inquirt of the birth and parentage of Robert Andersone burges of the said burche, be thair gryt aith suorne deponit that the said Robert wes eldest lauchfull sone procreat betuixt Alexr Andersone elder burges of the said burch laitlie thesaurer and counsellor thairof and umquhill Margaret Andersone his spous begotin of lauchfull mariage Quhairunto the Shref deput forsaid interponit his auctoritie and thairupone the said Robert Andersone personallie present askit and tuik act and instrument [Signed by the Sheriff depute & all four witnesses]

#### II.

(3 June 1626)

The said daye in presens of the Shref deputt forsaid compeirit Williame Leask of that ilk Mr Patrik Gordoun of Bracka Williame Gordoun his brother german and George Leask lawfull sone of Mr James Leask minister at Cushnie and be wertew of thair sworne aithe Deponit that Peter Leask now burgess in Tarnowa within the dominioun of Poill<sup>1</sup> is lawfull sone to umquhill Henrie Leask in Craighall and Margaret Haye his mother borne in lawfull matrimonie of honest parents ex longa serie Quhairunto the Shref deputt forsaid interponit his autoritie and thairupon George Innes burges of Abirdein as procuratour for the said Peter Leask and in his name and behalf tuik act & Instrument [Signed by the Sheriff depute Sheriff Clerk and witnesses]

<sup>1</sup> Now Tarnaw in Austrian Galicia.

## Judicial Enactments : Vol. III., Illustrative Examples

### Chair of Mathematics, Marischal College

(14 June 1625)

The said day compeirit in presens of the Shref deput forsaid Dame Issobell Leslie spous to Sir Alexr Hay of Delgaty Knycht furth of the presens of hir said spous oncoactit or compellit certiorat of hir awin richt for her awin weill utilitie and profit and for the weill of hir said spous and gave hir express consent and assent to the alienatione and dispositione maid be the said Sir Alexr to the Provost Bailzeis Counsell and Communitie of the said burch of Abirdein present and to come, and to thair assignayes quhatsumewir, for sustentatione and mantinance of ane professor of mathematickes within the new Colledge of Abirdein and to no uther use of all and haill ane annuelrent of ane thowsand merkis usuall monie of Scotland to be upliftit yeirlie at the feist of Witsonday furth of all and haill the landis of Ardendraucht with the tour fortalice and maner place thair of the landis of Bredmuire and salmond fisching of the water of Crowdane callit Peiris the toun and landis of the ward of Crowdane the landis of Sandend the landis of Aschallowes with the Milne of Ardendraucht mylne landis multeris suckin and knawscippis thair of quhilkis ar all pairtes and pendicles of the saidis landis of Arden draucht and furth of all and sundry the houssis bigingis yairdis toftis croftis outseattis annexis connexis pairtes pendicles and pertinents of the saidis haill fornemit landis or furth of any pairt or portione thair of quhair the saidis Provost Bailzeis Counsell and Communitie sall think maist expedient Redimable alwayes be the said Sir Alexr Hay his airis maill and assignayes frome the said toune of Abirdein be peyment or consignatione of the soume of Ten thowsand merkis monie forsaid in maner and upone the conditiones specifeit in the contract past and perfyttit thairanent betuixt the present Provost Bailzeis Deane of Gild and Thesaurer of the said burch on the ane pairt and the said Sir Alexr Hay and his said spous and thair cautioneris thairin nominat on the uther pairt of the dait at Abirdein the thritteint day of Junii instant and sicklyk consentit to the haill remanent heidis and conditiones of the said contract and to the chartouris and infestmentis following thairupone and declarit be vertew of hir gryt aith suorne that shoe wes no wayes coacted nor compellit thairto bot that the samen is doen be hir of hir awin frie will for her awin seing weill and commoditie and that shoe suld newir revoke the samen nor come in the contrar hei of And immediatlie thaireftir in presens of the Shref deput forsaid compeirit the said Sir Alexr Hay and ratefied and approvit his said spous consent maid in maner aboue writin and gave his express consent heirto Unto the quhilks haill premissis the Shref deput forsaid interponit his auctoritie

## Aberdeenshire Sheriff Court

and thairupone Walter Robertsoune Comoune Clerk of the said burch in name of the Provost Bailzies Counsell and Communitie of the burch of Abd askit and tuik act and instrument

A HAY of Delgatie  
Mr ANDERSONE Sreffie Clark

ISOBELL LESLIE  
Mr JAMES IRWING  
Shref deput

### Daughter Choosing Curators with Her Father's Consent

(13 June 1626)

The said daye . . . . compeirit Helene Andersone youngest lawfull dochter to Mr Williame Andersone Shref Clerk of Abd with consent of the said Mr Williame hir father electit nominate & chuisit Mr Robert Gordoun of Straloch Mr James Irving Advocat in Abd hir curatores coniunctlie and severallie ony ane of them for rowling guyding & governing of hir hir lands heretages possessiones guidis and geir unto hir lawfull and perfyte aidge quha acceptit the said office in & upon them and gaive thair aithes de fideli administratione Quhairunto the Shref deputt forsaid interponit his auctoritie [Signed by the minor & Sheriff but not by curators]



## The Minute Books of Judicial Enactments

### Vol. IV., 1628-33

This book seems to be complete as it came from the hands of the writers, with the exception of a few leaves which are missing here and there from the body of the volume. It takes up the business at the precise point where the entries of the preceding volume end, and carries them on to 19 October, 1633. Even the original fly leaves have been preserved, but so covered with a net work of scribbling as to obscure entirely anything which may have originally existed by way of title. Only in one respect does this volume differ from the first three books of the same series. There is an almost entire absence of acts regarding crime of any kind. The penmanship of the entries is extremely good, and to many of them are appended signatures both interesting and quaint.

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### Judicial Enactments

1628.  
May 26.     **Loosings of Arrestments.** Elizabeth Meldrum, widow of George Ogilvie of Carnowsies and Mr. John Forbes, parson of Auchterles *v.* George Horne in Knokleyth. Cautioner Thomas Meldrum of Iden.
- Sir Wm. Forbes of Monymusk, knight baronet *v.* Archibald Ferquhar at the Milne of Ramstane. Cautioner John Turnor, portioner of Kynmonitie.
28.     Walter Forbes of Thainstoun *v.* Gilbert Kar in Craigiedarg of Skeyne. Cautioner George Johnestoun, younger, burgess of Abd.
- Walter Forbes of Thainstoun *v.* Andrew Barclaye in Tailties. Cautioners George Johnestoun and Gilbert Kar designed in preceding entry.
- John Gordoun of Petlurg *v.* George Ogstoun in Pettimurkhous. Cautioner Andrew Ogstoun at the Milne of Crichtie.
31.     George Cruikshank in Flinders and                     Schand, his wife *v.* John Cruikshank in Flinders. Cautioner Wm. Forbes of Barnes.
- June 4.     **Renunciation and Discharge.** Marjory Gordoune, wife of Hector Abircrombie of Fetterneir, renounced in favor of Alexr. Abircrombie of Birkinboig all her rights to New and Auld Westhalls in the Parish of Oyn.
7.     **Discharge of Wadset.** The granters of this discharge were Thomas Espline in Newbiging, John Kar in Grayestain, John Mitchel, sometime in Auld Abd., then in Ailhaus of Fiddes, and Cristian Lindsay, wife of Thomas Kar, son of the said John Kar. The consideration money was 2000 merks, which was paid by John Turing of Foveran for himself and as in right of his brother german, Thomas Turing of Aikenshill, and by Henry Turing of Saak, who was the other brother german of the laird of Foveran. The lands declared to be redeemed were the lands of Aikenshill and Saak in Foveran.
- Loosing of Arrestment.** Beatrix Forbes, widow of John Jonstoun in Engloustoun and Alexr. Knox in Synnahard, her husband *v.* Robert Johnestoun of Crimond. Cautioners Robert Johnestoun in Fechill and Gilbert Johnestoun at the Mylne of Allathin. The sum of 5000 merks.

## Judicial Enactments : Vol. IV., Contents

1628.

June 10.

**Judicial Ratification.** Janet Lumsden, wife of Alexr. Lumsden of Easter Clova, here consented to and ratified the alienation by her husband, by way of wadset, of the lands of Meikill Maidleris, with the multures of these lands and those of Litill Maidleris. The lenders were Wm. Lumsden at the Milne of Fowallis and Janet Leyth, his wife. The sum borrowed was 2900 merks and Robert Lumsden of Cushnie and John Lumsden of Tullicarne were cautioners for repayment.

**Renunciation and Discharge.** Cristian Irving, wife of Alexr. Lumsden, elder, of Easter Clova, renounced and discharged her rights to the shadow half lands of the Mains of Easter Clova in the parish of Kyldrinnie in favor of Alexr. Lumsden, their son.

**Loosing of Arrestment.** Wm. Seatoun of Menei *z.* James Setoun, sometime in Couhill of Menei, then in Ardo. Cautioner Wm. Setoune at the Mylne of Cavil.

11. **Renunciation and Discharge.** Margaret Gordoun, wife of Donald Ferquhar-sonne of Tilliegarmouth, renounced her rights to the lands of Tilliegarmouth in the parish of Birse in favor of Patrick Smyth in Tombac in liferent and John Smyth, his son, in fee.

**Loosings of Arrestments.** Alexr. Blakhall of that Ilk *z.* John Mackie in Auchincloiche. Cautioner Wm. Forbes in Auchincloiche.

12. Elizabeth Blak, sister of Anna Blak, wife of Thomas Cowyc, younger, burgess of Abd. *z.* the said Thomas Cowyc and Anna Blak. Cautioner Mr. Robert Reid, son of James Reid, elder, of Middil Clova. £50 less or more in the hands of Andrew Meldrum, Theasaurer of Abd.

**Renunciation and Discharge.** (Incomplete.) Janet Gordoun, wife of John Leyth, elder, of Harthill, in consideration of the payment to her and her husband of 6000 merks provided by their marriage contract, renounced her rights to Harthill in favor of John Leyth, younger, eldest lawful son of John Leyth, the elder. There was a reservation of her rights to the lands of Auld Raine with the "toll & custome of the mercat callit Lawrence mercat standing yeirle upon the Town & Lands of Auld Raine & parochie thairof." There was a farther reservation of the right of her and her children, in certain circumstances, to remain in occupation of Harthill.

[A leaf or two missing here.]

- July 19. **Renunciation of Succession.** Margaret Sherar, wife of Patrick Etterschank in Abd., and only child of the late Gilbert Sherar, burgess of Abd., renounced all rights of succession to her father's estate.

22. **Loosing of Arrestment.** Alexr. Gordoun of Blelak *z.* Robert Nairne in Tomontepill and Thomas Michie in Quir Glencarvie. Cautioner Robert Forbes, sometime in Inver, then in Abd. Peats, &c., in the moss of Tulloskeuthe in the parish of Invernochtie.

## Aberdeenshire Sheriff Court :

1628.

- July 26.     **Loosings of Arrestments.**     Alexr. Gordoun of Blalak *v.* Patrick Forbes of Buchame.     Cautiomer Allaster Cowper, son of Wm. Cowper in Glenbucket.     Peats, &c., in the moss of Tulloskeuthe.
28.     Alexr. Gordoun of Blalak *v.* John Forbes in Culqueiche, John Troup there, Donald Tronp there, Robert Reid in the Barnes, Robert Couper in the Boig of Fairlie, Elspet Ritchie in Broomehill, Thomas Gordoun at the Milne of Rippachie, Wm. Andersone in Rippachie, Robert Bouman in Argeith, Alexr. Grasich there, Allaster Petrie there, Bessie Daesone there and James Riauche in Clashnettie.     Cautiomer Sir Adam Gordoun of Park, knight.     Peats, &c., in the mosses of Bounzeache and Tulloskeuthe.
- Augt. 1.     **Discharge of Wadset.**     From the narrative it appears that the late John Erskin of Ballhaggartie granted to the late James Irving of Petmurchie in liferent, and to his natural son, the late Andrew Irving, and his heirs, whom failing, his son, Mr Alexr. Irving in fee, a wadset over Mylntoun of Inverramsay for 600 merks.     The Contract of Alienation was dated 6, and registered in the Commissary Court Books 10 June, 1595.     The money having been repaid in the lifetime of the original parties, but without a formal discharge, Mr. Alexr. Irving, Advocate in Abd., as heir of provision to his father, now declared the subjects to be redeemed in favor of Thomas Erskin, the then laird of Ballhaggartie.
5.     **Loosings of Arrestments.**     Mr. Wm. Burnet, Minister at Kynnairnie *v.* James Crystie in Skaiteairne.     Cautiomer James Crystie, Tailzeour, burgess of Abd.     Peats, &c., in the moss of Badintuith.
9.     James Stewin in Garlogie *v.* Margaret Robertstone, widow of Alexr. Forbes in Easter Eight.     Cautiomer James Forbes in Wairdmilne of Drum.     “Ane woib of plaiding extending to thriescoir ellis or thairby.”
19.     Wm. Irving of Beltie *v.* John Irving in Tilliehaikie.     Cautiomer John Maitland, Smyth, burgess of Abd.
20.     James Johnestoun of Bandach *v.* Thomas Moir in Cayesmilne, James Moir in Baikiebuttis, Alexr. Thomesone in Begisley, Wm. Abel there, Alexr. Moir in Damgreins, Wm. Ronaldsone in Woodland, Alexr. Hervie there and Wm. Moir.     Cautiomer Thomas Johnestoun of Craig.     Corn sown within the bounds of Woodlands, and Peats, &c., in the mosses of Petduries, Cayesmilne, Woodland and Begisley.
- Sept. 6.     Henry Forbes, burgess of Abd. *v.* Alexr. Sted in Newhillis.     Cautiomer James Leyth, occupier of 8 oxengait of Watertoun.
18.     John Lesly of Ardtannies *v.* John Reid, sometime at the Mylne of Ardtannies, then at the Mylne of Tillifour.     Cautiomer Normond Lesly of the Mylne of Quhythauch.
22.     Mr. Alexr. Reid and Robert Merser, burgesses of Abd. *v.* Nicoll Arclay in Pesly [? Persley].     Cautiomer John Arclaye, Cordoner, burgess of Abd.



## Judicial Enactments: Vol. IV., Contents

1628.

- Sept. 24. **Loosings of Arrestments.** Alexr. Skein of that Ilk *v.* James Aidie in Tillin-hilt. Cautioner Thomas Tait, occupier of eight oxengait of the Croftes of Craigmyle.
27. Mr. Alexr. Reid and Robert Merser, burgesses of Abd. *v.* Wm. Ogilvie in Dispro [? Dilspro]. Cautioner Nicoll Arclay in Peslie [? Perslie].
- Octr. 2. **Renunciation and Discharge.** Margaret Ker, wife of John Gordoun of Ardlogie, renounced her rights to the two ploughs of the sunny half of the Kirktown of Fyvie, then occupied by her son, John Gordoun, in favor of him and his future wife, Isobel Innes, and the longest liver of them, &c.
6. **Loosings of Arrestments.** Robert Jonstoun in Craighall and George Clerk, Merchant in Ellon *v.* Wm. Anderson, servitor to Wm. Forbes, brother german to James Forbes of Blaktoun. Cautioner Thomas Lumisden, portioner of Kinnellar.
7. John Knox of that Ilk *v.* Katherine Robertsons at the Milne of Crichtie. Cautioner Andrew Ogstoun there.
9. Sir Wm. Forbes of Monymusk, knight *v.* James Cheyn of Arnadze and his tenants. Cautioner John Liddell, Cowper, burgess of Abd. The crop sown on that part of the lands of Petfichie in the parish of Monymusk "callit the Kilboig of Our Balquhorsk."
- Katherine Gardyn, widow of Mr. John Leyth, Commissary of Abd., and wife of Patrick Sinklair, as liferentrix of Blairtoun *v.* John Hay, sometime in Dyknuik, then in Langseatt. Cautioner Wm. Hay, indwellar in Auld Abd.
14. John Knox of that Ilk *v.* Wm. Allan, sometime in Knox. Cautioner Alexr. Mitchel in Rattrra.
- John Lumisden of Tillikearne *v.* Patrick Andersone in Lachintillie. Cautioner George Andersone in Auld Abd.
15. Katherine Gardyn, widow of Mr. John Leyth, Commissary of Abd., and wife of Patrick Sinclair *v.* Alexr. Aikin, sometime in Blairtoun, then in Colpnay. Cautioner Andrew Aikin in [?] Greindeid.
16. **Birth Brieve.** John Watsoun in Craibstoun; James Thome there, Walter Slett in Sklettie and Richard Watsone, burgess of Abd., appeared and deponed "that they knew umquhill John Gordoun Merchand and Travellar within the Dominion and Kingdome of Swain within the Toun of Copperberrie to have bein sone natural repute and haldin and procreat betwixt Johne Gordoun sumtyme of Lastis now of Craibstoun and Elspet Keyth his mother and brother on the father syd procreat as said is to James Gordoun Fiar of Craibstoun eldest lawfull sone to the said John Gordoun of Craibstoun."
21. **Loosings of Arrestments.** Alexr. Gordoun, indwellar in Auld Abd. *v.* George Chalmer there. Cautioner Wm. Andersone . Peats, &c., in the Moss of Pervinnies.
- Novr. 1. Wm. Setoun of Meanie *v.* Alexr. Blak, sometime in Halterseatt, then in Durno. Cautioner Wm. Thomesone occupier of eight oxengait of Drumes.

## Aberdeenshire Sheriff Court :

1628.

Novr. 14. **Loosings of Arrestments.** Alexr. Andersone in Litill Wranghame *v.* James Mitchel in Wedderburne. Cautioner Wm. Thomsone in Kirktown of Raine.

17. Sir George Hamiltoun of Blakburne, knight *v.* Andrew Phinnie, Skipper in Peterheid. Cautioner Patrick Findlay, Skipper, burgess of Abd. Phinnies "haill tymber and sowmes of money" had been arrested.

18. **Renunciation and Discharge.** Marjorie Leyth, wife of Normond Leslie at [?] of the Miln of Quhythauche, in consideration of the repayment of a loan of 2000 merks to her husband, renounced in favor of Sir John Leslie of Wardes, knight baronet, all her rights to Milne of Glanderstoun.

19. **Loosing of Arrestment.** Thomas and James Bodie in Peterheid *v.* John Pantoun, sometime in Cocklaw. Cautioner George Crafuird of Annochie.

**Discharge and Ratification.** Margaret Trowp, wife of Wm. Forbes in Pettalachie, appeared in Court in the following circumstances. By Marriage Contract dated 16 December, 1626, her husband had become bound as principal and Alexr. Forbes in Boig of Cromar, John Chalmer of Balnacraig and Alexr. Chalmer, Fiar thereof, as cautioners to provide and invest 2000 merks for behoof of the spouses and longest liver of them. By this Act she acknowledged that she and her husband had received 800 merks contained in a Bond by Wm. Gordoun of Kennertie, in consideration of which and for other reasons she discharged the cautioners under the Marriage Contract and ratified a separate Discharge granted by her husband and her on the same day.

21. **Loosing of Arrestment.** Thomas Forbes in Fouslie *v.* Gilbert Mair of Awalds. Cautioner James Mair in Meikil Auchry.

Decr. 8. **Renunciation and Discharge.** Isobel Keyth, wife of George Gordoune, third lawful son of the late Alexr. Gordoune of Lesmoir, renounced all her rights to the half lands of Watererne, half lands of Tulloche and half lands of Blakmylne, &c., in the parish of Coldsteane in favor of Sir James Gordoune of Lesmoir, knight baronet.

1629.

Jany. 24. **Tutory.** John Forbes in Craigtowie, "narrest agnet on the father syd" and tutor to Elspet Forbes, lawful daughter of the late James Forbes in Haltoune of Ardoyne, found Alexr. Gardyne in Brucklis as cautioner for his due fulfilment of his office.

29. **Loosings of Arrestments.** Mr. Wm. Gordon, Doctor of Physick *v.* Thomas Meinzie of Balgownie. Cautioner Alexr. Meinzie, his brother german.

31. Elspet Forbes, only lawful daughter of the late James Forbes in Haltoun of Arduin, and John Forbes in Craigtowie, her Tutor, *v.* Alexr. Forbes in Craigtowie. Cautioner Wm. Symson, Messenger in Drimminnoir.

Feby. 6. James Fergus, burgess of Inrurie *v.* James Tailzeor in Tauiltie. Cautioner Alexr. Hervie in Watertoun.

7. Alexr. Leslie, brother to the Laird of Balquhyn and Donator to the "escheit and lyverent" of James Ogiluie of Auchlewchries *v.* John Graye in Westertoun. Cautioner John Ogiluie, occupier of eight oxengait of Auchlewchries.

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1629.

- Mar. 7. **Loosings of Arrestments.** Mr. Robert Udny of Lammingtoun *v.* John Elderson in Calseyend. Cautioner Arthur Chalmer, burgess of Abd.
20. Andrew Scott in Bowiehillock *v.* James Raitt in Starbrigs. Cautioner Alexr. Watstone, Merchand, burgess of Abd.
23. John Miln, Tailzeor, burgess of Abd. *v.* Isobel Leask, widow of Wm. Bannerman of Clayhillis. Cautioner James Gordon of Lesmurdie.
- April 8. Walter Barclay of Tollie and Wm. Barclay of Petdouslie, his Tutor *v.* Francis Barclay in Woodtoun. Cautioner James Mowat of Smiddieseat.
22. The Procurator Fiscal, Harie Barclay, natural son of George Barclay of Auchreddie and Mr. John Horne of Balgownie, or either of them *v.* Wm. Leslie, merchand at the Kirk of Trewall. Cautioner Patrick Leyth, portioner of Premnay.
- May 2. **Renunciation of Occupancy.** George Longofeiddill in Torrieleyth renounced his occupancy of the half lands of Torrieleyth in Udny, in favor of John Irving, heritable proprietor thereof, as at Whitsunday following.
12. **Judicial Ratification.** Katherine Patersoune, wife of Mr. James Sandielands, "Comissar of Aberdein Doctor of the Lawes and Advocat befor the Lords of Counsell and Session," ratified the wadset by him to Sir John Murray of Ravellrig, knight, of the lands of Pilmure in the Barony of Nidrie by annexation, and Sheriffdom of Edinburgh.
13. **Loosings of Arrestments.** George Crichton, elder and younger, of Crichtie *v.* James Mackie in Broome-end of Crichtie. Cautioner Wm. Cruikshank, occupier of eight oxengait of Hiltoun.
14. Margaret Blakburne, wife of Mr. Andrew Aidie, burgess of Abd. *v.* Isobel Straquhan, widow of Robert Gordon, burgess of Abd. Cautioner Wm. Forbes, Wobster, frieman in Abd. "Three Paires of handing plaids."
16. Mr. Wm. Burnet, parson of Kinnairnie *v.* James Crystie in Badentuith. Cautioner John Gordoun in Hill of Keir.
19. Mr. Wm. Burnet, Minister at Kynnairnie *v.* John Westland in Kinnairnie. Cautioner Wm. Gordoun of Cottoun.
21. Wm. Forbes of Barnes *v.* James Wobster in Auchlevin. Cautioner John Forbes of Leslie.
23. Sir John Leslie of Wardes, knight baronet *v.* John Smith in Daies. Cautioner Wm. Davidsone in Brucheshawche.
28. John Forbes of Corsindae *v.* James Forbes in Milnetoun of Corsindae. Cautioner Alexr. Smith in Coullie.
29. Robert Gib in Knokaspak *v.* Bartholemew Layng, son of the late Michael Layng. Cautioner John Leyth in Montgarrie.



## Aberdeenshire Sheriff Court :

1629.

May 29. **Loosings of Arrestments.** Andrew Donald in Ardgethin *v.* George Garioch in Kinstair. Cautioner Wm. Gareoch of Tilliechettie.

Wm. Tailzeor in Daweirie *v.* James Jonstoun of Bandauch. Cautioner Gilbert Jhonestoune of Pettiesmilne.

June 1. Gilbert Jhonestoune of Frosterhill *v.* Richard Drum in Boighoill. Cautioner Hew Hepburne in Corthiebuik. Buildings and timber work were included in this arrestment.

Mr. James Forbes of Haughton *v.* Wm. Gareoch in Endurnoch. Cautioner James Gariauch, sometime of Kinstair.

**Renunciation and Discharge.** Isobel Setoun, wife of Thomas Erskine of Balhaggartie, renounced her rights to Balhaggartie, Doirlathin and Pettoddrie in the parishes of Logydurno and Oyn in favor of Thomas Erskine, their eldest lawful son. The lady was to receive, apparently as an equivalent, the liferent of the lands of Barrack in the parish of Auchreddie.

**Loosing of Arrestment.** Mr. Wm. Burnet, Minister at Kynnairnie *v.* James Philp in Ballogie. Cautioner John Leyth, second lawful son of John Leyth of Mon-garrie.

4. **Renunciation.** Patrick Smith in Tombac, "In spem ac favorem futuri matrimonii to be solemnizit betuixt" John Smith, his eldest lawful son, and Janet Gordon, lawful daughter to Wm. Gordon, Fiar of Knokaspak, renounced his liferent of Tulligarmouth in Birse. [*Supra* p. 30.]

**Loosings of Arrestments.** Jean and Marjorie Buchan, proprietors of the Moss of Dyce, and George Moriesone and Gilbert Skeyn, burgesses of Abd. *v.* Mr. Thomas Meluill, Minister at Dyce. Cautioner David Meluill, burgess of Abd. Peats, &c., in the Moss of Dyce.

24. Sir Adam Gordon of Park, knight *v.* John, Earl of Mar, Lord Erskine, &c., and his tenants of the lands of Nochtiesyd. Cautioner Alexr. Anderson, elder, burgess of Abd. Peats in the Moss of Ladyeley in the parish of Innernochtie.

27. John Smyth, eldest lawful son of Patrick Smyth of Tulligarmouth *v.* Gilbert Forbes, brother german to Wm. Forbes of Barnes. Cautioner Alexr. Knox in Touxhill. "Ane stand of grein Inglis cloathe cloathes."

July 1. John Ferquharsone of Cloak *v.* Wm. Forbes of Cragiewar and Margaret Edvart, his mother. Cautioner Thomas Gardyne, Tailzeour, burgess of Abd. Peats in the Moss of Cloak in Lumphanan.

4. Wm. Dalgarno of Crichtie, "bailzie and chamberlan" to William, Earl Marshall *v.* Alexr. Forbes of Drumlasie. Cautioner Wm. Quhyt, Merchand, burgess of Abd. Forty bolls of victual.



## Judicial Enactments: Vol. IV., Contents

1629.  
 July 7. **Renunciation and Discharge.** Isobel Forbes, wife of Wm. Gariauch in Endurnoch, renounced her rights to the lands of Tillichetlie in the parish of Aufuird in favor of Wm. Gareoch, portioner of Kinstair.
15. **Loosings of Arrestments.** John Leyth of Quhythauch *v.* George Gordon in Cultis. Cautioner Wm. Trowp, Fermorar in Abd. Peats in the Moss of Counteswallis.
17. John Dalgarno in [?] Halden and John Gib there *v.* John Murray in Brexhill. Cautioner Wm. Dowglas, burgess of Abd.
18. James Innes, burgess of Abd. *v.* James Reidheid in Asleid. Cautioner Wm. Urquhart in Cotwallis.
- Augt. 14. Alexr. Auldward in Autherb *v.* George Mitchell in Altrie. Cautioner Alexr. Keyth at the Miln of Bruxie.
19. Alexr. Williamsone, Baxter, burgess of Abd. *v.* John Mitchel, Cowper, burgess of Forrest. Cautioner Alexr. Donaldsone, younger, Merchand, burgess of Abd.
22. **Reset.** The Procuratour Fiscal *v.* James Hill in Thornetoun, charged with "resaitt of the guids and geir of Mr. Wm. Setoun of Thornetoun." Cautioner Samuel Measson, burgess of Abd.
31. **Loosings of Arrestments.** James Forbes of Tilligouny and Wm. Forbes, his son *v.* John Thomsone at the Miln of Mynanie. Cautioner Wm. Forbes of Tolquhon.
- Mr. Wm. Hay, Parson of Crimond *v.* Andrew Cairdno in Crimond. Cautioner Andrew Laurence in Aucheries.
- Sept. 5. Robert Forbes of Eight *v.* Alexr. Lunkart in Lethintie. Cautioner John Leyth, son of John Leyth of Quhythauch. Corn, &c., standing upon the hill of Buquharne.
7. Robert Broun at the Miln of Fiddes *v.* John Thomsone in Knokhall. Cautioner Robert Thomsone, Tailzeour, burgess of Abd. Crop standing upon the Milne croft of Tippetie.
12. Wm. Setoun of Balgerso *v.* Wm. Glenney in Ranyeshill. Cautioner John Liddell, Cowper, burgess of Abd. Crop on the lands of Brounebrae.
21. Duncan Blakhall, Taksman of the Justice Milne *v.* Wm. Baird, Wobster, burgess of Abd. Cautioner Wm. Russell, Wobster, burgess of Abd. The "haill meill & shilling" belonging to Baird.
26. James Maxwell as assignee of Thomas Gray, son and executor of the late John Gray, and Alexr. Irving of Murthill *v.* Wm. Buchane in Artrochie. Cautioner Wm. Leask, Fear of that Ilk.

## Aberdeenshire Sheriff Court :

1629.

Octr. 1.     **Renunciation and Discharge.** Dame Jane Abernethie, wife of Sir George Gordun<sup>t</sup> of Gicht, by this Act renounced her rights to the lands of Cuikbirnes and pendicle thereof called Tillibren in the parish of Logybuchan, which had been conveyed by her husband to George Gordone of Nathermuir, and also her rights to the lands of Meanie and others in the parish of Balhelvie, which had been conveyed in warrandice of the lands first named.

**Renunciation and Discharge.** Dame Jane Abernethie, wife of Sir George Gordun of Gicht, here renounced her rights to the lands and barony of Shives and the lands of Foterletter, Lethintie and Monkeshill in the parishes of Fyvie, Methlick and Tarves in favor of George Gordon, younger, of Gicht, eldest son of Sir George, in liferent, and George Gordon, eldest lawful son of the said George Gordon, younger, of Gicht, and his heirs male. The rights of Wadsetters were specially reserved.

15.     **Loosings of Arrestments.** George Crichtone, elder and younger, of Crichtie *z.* John Foullar, sometime in Broome, and then in Kintoir. Cautioner John Leslie, Notary Public in Kintoir.

16.     George Connand in Maines of Kildrymmie *z.* Wm. Touch, servitor to Duncan Forbes of Bithnie. Cautioner the said Duncan Forbes.

Wm. Merse in Auchronnie *z.* Andrew Leyth in Watertoun. Cautioner John Leyth, son of John Leyth of Quhythauch.

22.     Alexander, Maister of Forbes *z.* James Wilsone in Rynie. Cautioner Mr. Henry Ross, Parsone of Rynie and Essie.

30.     Mr. Wm. Lumsden of Tillecorthie *z.* Patrick Sangster there. Cautioner Robert Setoun, Fiar of Mynnes.

Nov. 4.     Sir Alexr. Hay of Delgatie *z.* Wm. Scott in Lendrum. Cautioner George David-sone in Hardslacks.

16.     James Allardes of Kynneph *z.* Thomas Watsone, Measson, burges of Abd. Cautioner Gabriel Lithgow, also Measson, burges.

18.     Wm. Gray, Merchand, burges of Edinburgh *z.* Alexr. Mowat, sometime in Pettindrum, then in Lendrum. Cautioner Wm. Scott, occupier of a plough of Kynin-month.

Decr. 7.     Janet Touche, wife of Wm. Scott, burges of Abd., and her husband *z.* Janet Knight, widow of John Turnor, also burges. Cautioner Wm. Donaldsone burges. "Tua paires of plaids."

21.     Janet Buchane, widow of James Ewan, burges of Abd. and James and Ewan, his children, and executors *z.* Wm. Rolland, burges. Cautioner Gilbert Cullen, Bailzie, burges.

1 The spelling here, as in other cases where the Acts are signed, follows the signature.

## Judicial Enactments: Vol. IV., Contents

1630.  
Jany. 15.     **Loosing of Arrestment.**   Alexr. Irving of Murthill *v.* James Miln at the Miln of Fortrie.   Cautioner Wm. Gordon, occupier of ten oxengait of Kidshill.
22.     **Renunciation of Occupancy.**   Alexr. Hervie in Watertoun renounced his right to occupy Watertoun, Miln thereof and Salmon fishing on the Don and Crofts called Stinking [or Struking] Heawin and Yuche croft all in the parish of Sanct Machar in favor of Andrew Fraser of Stainniewood and his heirs and assignees.   A lease dated at Mukall 12 February, 1620, was referred to.   Hervie took act in the hands of Mr. Wm. Andersone, the Sheriff Clerk.
23.     **Renunciation, Discharge and Ratification.**   Isobell Forbes, widow of James Donaldsone, burgess of Abd., and wife of Duncan Wilsone, burgess there, appeared and stated that, having received from her son, Alexr. Donaldsone, security for a liferent annuity of £200 per annum, she had on 16 December, 1628, in presence of Baillie Gilbert Collison, renounced in his favor her liferent rights in (1) a tenement on the North side of the Nather Kirk Gaitt described in the entry as "having the common vennel passing to the Flour Miln at the West;" (2) a wadset right granted over the lands of Blairtoun by Mr. Robert Gardyn for 2800 merks; and (3) a wadset right granted by Robert Keyth, sometime of Kindrocht, over the Sunniesyd of Innernorth for 1000 merks.   This former Renunciation she now ratified and repeated.   Her son's right to the "maills" was stated to have commenced at Whitsunday, 1622.
29.     **Loosings of Arrestments.**   Cristian Lumsden, widow of Alexr. Duff of Tulliesowll [? Torriesoul], Thomas Urquhart at the Chappel of Andatt and George Setoun at the Miln of Balcarne *v.* Janet Leslie, widow of Robert Stewart of Jakstoun.   Cautioner Alexr. Chalmer, Dean of Gild and burgess of Abd.
- Feby. 4.     John Calder of Easter Migvie *v.* John Forbes in the Boig of Cromar.   Cautioner Alexr. Knox, sometime in Touxhill, then in Abd.
22.     Wm. Keyth in Garlogie and Andrew Rae there *v.* Wm. Strathachin in Cairnie.   Cautioner John Carnie, burgess of Abd.
27.     Gilbert Johnstoun of Frosterhill *v.* James Rae in Boighoill.   Cautioner Robert Robertson, Cordoner, frieman in Abd.
- Mar. 15.     Mr. Alexr. Gardyne, Procurator Phiscall *v.* Robert Henrie in Murcur.   Cautioner James Cassie in Quhytstripes.
23.     Robert Hall, burgess of Abd. *v.* John Gordoun, burgess there.   Cautioner George Gordoun, younger, also burgess.
30.     George Gordon of New Logyaltoun *v.* John Strath there.   Cautioner Malcolme Strath at the Miln of Knokleyth.
31.     Wm. Logan in Wester Fintray *v.* Gilbert Leslie there.   Cautioner John Leslie at the Miln of Fintray.
- April 5.     Mr. Alexr. Gardyne, Procurator Fiscal *v.* Alexr. Donaldson, burgess of Abd., alias "Grein Alexr."   Cautioner Wm. Donaldson, burgess of Abd.



## Aberdeenshire Sheriff Court :

1630.

April 13. **Loosings of Arrestments.** George Gordon of Newtown of Logyaultoun *v.* James Cruikshank there. Cautioner John Urquhart in Pitmundies Brig.

17. Wm. Maitland of Monletie *v.* James Burne there. Cautioner John Burne in Fuchill [or Futhill].

23. John Gordon, elder, of Buckie *v.* Robert Johnstoun in Craighall of Fechill. Cautioner Alexr. Johnstoun in Fechill.

**Tutory.** Alexander Irving of Quhytcairnes, next of kin on the father's side and Tutor Dative to Margaret Irving, lawful daughter of the late Wm. Irving of Murthill, appeared, accepted office, took the oath *de fidei* and found John Irving of Torrieleyth as cautioner. The gift of Tutory was dated 14 March, 1626.

24. **Renunciation and Ratification.** Anna Udney, daughter of Wm. Udney, sometime of that Ilk, having arrived at majority, with the consent of her father and of Mr. Robert Udney of Lamyntoun, her uncle, renounced all her rights to Easter and Wester Tilliev and Croft of Calseyend in the barony and parish of Udney. She also ratified a Contract for the conveyance of these lands to John Setoun of Mynnes in liferent and George Setoun, eldest son of the said John Setoun and Helen Leyth, his wife, in fee. The contract for conveyance of the lands was entered into by the said John and George Setoun on the first part, by Wm. Seton, another son, and Annas Gordoun, his wife, on the second part, and by the said Wm. Udney and Anna Udney, with consent of Alexander Setone of Petmedden, the said Mr. Robert Udney, Wm. Seton of Udney and John Forbes of Balnagask for their respective interests, on the third part.

May 25. **Loosing of Arrestment.** John Allan in Brae of Ballogie *v.* John Calder, burgess of Abd. Cautioner Alexr. Henderson, indweller and Fermorer in Abd.

27. **Renunciation and Discharge.** Cristian Irving, widow of Alexr. Lumsden of Clova, renounced the lands of Drumgowar in Kildrummy in favor of her son, Alexr. Lumsden of Clova.

31. **Judicial Ratification.** Geillis Keythe, wife of John Knox of that Ilk, consented to and ratified the wadset of the lands of New Knok in the barony of Aden to Wm. Gordon of Brodland. The sum is not mentioned, but the Contract of wadset was dated two days before, vizt. : 29 May.

June 28. **Loosings of Arrestments.** Alexr. Gordon of Blelok *v.* Thomas Gordon at the Miln of Ardgight and a number of other persons in Ardgight, Rippachie, Broomehill, Boig of Farley, Barnes, Culquheich and Deskorie. Cautioner Wm. Forbes of Tilliekirie. Peats, &c., in the Mosses of Bounzeach and Tulloskeuth.

29. Sir James Gordoune of Lesmoir, knight baronet *v.* Alexr. Forbes of Petsligo, Robert Forbes of Auldtoun, Andrew and Alexr. Neilson in Meikill Wardes and others. Cautioner Robert Skeine, Thesaurer of Abd. Peats, &c., in the Moss of Meikill Slak.



## Judicial Enactments: Vol. IV., Contents

1630.

June 29. **Loosings of Arrestments.** Alexr. Gordon of Blelak *v.* Alexr. Forbes of New, William Forbes, his brother, Allaster Forbes in Culquharie, Alexr. Forbes, his son, Mr. Wm. Brown, Parsone of Innernochie, Patrick Forbes of Boquham, Thomas Michie, John Cuming, George Michie, Allaster Downie, all in Glencarvie, and Patrick Williame alias Coutes in Tollachaspick and Patrick Cowper there. Cautioner Alexr. Straquhan of Glenkyndie. Peats, &c., in the Moss of Bainzeach.

Mr. Alexr. Reid, Advocat in Abd. *v.* Patrick Leyth in Ardhuncar. Cautioner Thomas Esplin in Newbiging. Peats, &c., in the Lair Mois of Birkinbrewll.

30. James Leslie at the Miln of Auld Rayn *v.* George Mathowson there. Cautioner James Watstone, portioner of Ardoyn. Leslie was claiming 900 merks. Two notaries signed for Mathowson, who was bound to relieve his cautioner.

July 28. Alexr. Forbes of Petsligo *v.* George Baird of Auchmedden. Cautioner Wm. Cuthbert, burges of Abd. Peats, &c., in the Moss of Wyndieheids and out pasturage thereof.

**Commissions by Sheriff Depute and Sheriff Clerk.** On 29 May and 10 June respectively Mr. Wm. Andersone, the Sheriff Clerk, and John Keyth of Clackriach, Sheriff depute of Aberdeenshire, granted Commissions to Patrick Mylne, Notary Public in Peterheid, as Sheriff Clerk Substitute, and to Alexr. Robertsone in Middlesie as Sheriff depute in that part to take the Ratification described in the following entry.

**Judicial Ratification.** In terms of the foregoing Commission a Court was held at Brodland on 24 June, when Cristian Walker, wife of Wm. Gordone of Brodland, ratified a wadset of two ploughs of land in Middiltoun of Brodland in favor of Thomas Gordone in Brodland and his heirs. The sum is not given, but the dates of the Contract of Wadset were 18 and 21 May preceding.

Augt. 16. **Loosings of Arrestments.** Gilbert Mearnes, sometime in Cultercullen *v.* John Dovertie in Tilliery. Cautioner Wm. Toux, Merchand, burges of Abd.

17. Robert Forbes of Eight *v.* John Crombie in New Water Eight. Cautioner James Crombie, occupier of eight oxengait of the Nathertoun of Fetterneir.

20. Alexr. Fraser at Berriemiln as Beillie to my Lord Marqueis of Huntlie *v.* James Findlay at the Miln of Pettulies. Cautioner Alexr. Muriesone in [?] Trenluthill.

25. Alexr. Forbes of Petsligo *v.* Wm. Gerrett in Litle Byth. Cautioner Arthur Chalmer, burges of Abd. Corn growing between Litle Byth and Blaksamoir [or Blakfamoir].

Sept. 3. George Baird of Auchmedden *v.* Alexr. Forbes of Petsligo and John Porter in Wyndieheids. Cautioner James Mowat of Ardo. Peats, &c., upon the "out heid pasturage and moisses of Auchmedden, Glencuthill and Claverrie Faulds."

## Aberdeenshire Sheriff Court :

1630.  
 Sept. 9.     **Loosings of Arrestments.** Alexr. and George Andersone, John Ingrahame, John Lichtoun and the remanent of "thair colliges maisteris awneris and heretabill proprietares of the salmond fishing on the Water of Die callit the Fuirdes" *v.* Mr. Matthew Lumisdane, burgess of Abd., "heretabill proprietar of the toun and lands of Ruthriestoun." Cautioner Andrew Birnie, burgess of Abd. Peats, &c., upon "the Garthes and Grein inches alledgit pertaining to the Salmond fishing," which the cautioner also bound himself that the arrestee should not cast.
11.     George Meinzie, burgess of Abd., as heritable proprietor of Denstoun *v.* John Chalmer there. Cautioner Andrew Burnet, elder, burgess of Abd. A claim for rent crop 1630.
- Alexr. Kempt, Measson *v.* James Barrak, brother german of John Barrak in Litle Ardo. Cautioner the said John Barrak.
13.     James Panton in Blakhous *v.* Walter Mair in Kinguidie. Cautioner Wm. Wischart at the Miln of Auchinhuif.
15.     Charles Chalmer, portioner of Wester Fintray *v.* John Henderson in Kyntoir. Cautioner John Chalmer, occupier of 8 oxengait of Tofthillis. Crop upon the part of Fintray called Langcruik.
27.     Sir Alexr. Cuming of Culter *v.* Wm. Gareochie in Breddiauche. Cautioner Wm. Chewis, Wricht, burgess of Abd.
30.     **Removing.** Richard Irwing, Fermorer in Abd., renounced his occupancy of a croft at the head of the Gallowgaith of Abd. and West side thereof in favor of Robert Irwing, lawful son of the late Mr. Richard Irwing of Hiltoun, heritable proprietor thereof and of Robert Irwing of Feddrett.
- Octr. 1.     **Loosings of Arrestments.** Alexr. Chalmer, lait Dean of Gild of Abd. *v.* Thomas Boyes, Skipper, burgess of Dundie. Cautioner Alexr. Jhonstoune, Glasin Wreight, burgess of Abd. 50 rex dollors in the hands of Andrew Phynnies, Skipper, in Peterheid.
4.     Thomas Chalmer, as assignee of Alexr. Chalmer, Dean of Gild, his father, *v.* George [?] Nwn, burgess of Trandum [Trondjheim] and Rumsdail [Romsdal]. Cautioner Alexr. Jhonstoune mentioned in preceding entry. A claim of 50 rex dollors.
23.     Margaret Muskie and Wm. Walker in Pettindrum, her husband *v.* Magdalen Tailzeor, widow of Wm. Muskie in Pettindrum. Cautioner John Tailzeor, Cordoner in Cheapeltoun of Petblae.
26.     John Mealhous in Auld Meldrum *v.* John Forbes, Citiner in Ald Abd. Cautioner Hector Smith, Merchand, burgess of Abd. A broun haikit ox.
- Nov. 12.     John Leslie of New Flinder *v.* George Wright in Syd. Cautioner Wm. Davie, occupier of 8 oxengait of Cultis in Kynneathmont. £16 in the hands of George Marna in Flinder.

## Judicial Enactments: Vol. IV., Contents

1630.

Nov. 17. **Loosing of Arrestment.** John Calder of Easter Migvie *v.* James Coutes in Blakhillis. Cautioner Mr. Robert Cowttis at the Miln of Gellan. 100 merks in the hands of Patrick Coutes in Newtown of Cromar.

20. **Judicial Ratification.** Elizabeth Raitt, wife of Robert Lumsdene of Cuschnie, ratified a wadset of the lands of Wark and Ley in the parish of Cuschnie in favor of John Clerk in Tilliekirie dated 16 November current.

22. **Loosings of Arrestments.** Jean Guild, widow of David Anderson of Finziauch *v.* Isabel Scroggie, widow of Patrick Roust in Finziauch. Cautioner John Patersone, occupier of 8 oxengait of Lenturk.

24. Wm. Cordoner, Notary Public *v.* Mr. Wm. Paip, brother of Thomas Paip, Merchand, burges of Abd. Cautioner the said Thomas Paip. £900 less or more arrested in the hands of Archibald Beanis, Litster, burges of Abd.

**Removing.** Gabriel Lithgow, Meassone, burges of Abd., renounced his occupancy of certain rigs on the east side of the Gallowgait of Abd. in favor of Mr. Wm. Andersone, Sheriff Clerk, the proprietor or liferenter thereof.

Decr. 21. **Tutury.** John Fraser of Newburgh of Forrest, by virtue of "oure Souerane Lords preceptis of Chancellrie" dated 7 December current, accepted the office of Tutor to Alexr., Micheall and John Fraser, lawful children of the late Alexr. Fraser of Techmurie, and found Alexr. Fraser of New Forrest and Wm. Fraser, brother german "to the said John," as his cautioners.

1631.

Jany. 22. **Loosings of Arrestments.** Sir James Gordoune, younger, of Lesmoir, knight baronet *v.* John Gordoune, younger, of Craig and other persons residing in Auchindoir and Drymmeis. Cautioner George Gordoune, Appeirand of Tulloquhodie.

27. Thomas Gordon of Dilspro *v.* Katherine Mathowsone, widow of John Bennett, sometime in Grandome. Cautioner Wm. Tailzeor, Staibler, burges of Abd.

Feby. 2. Adam Abircrombie in Auld Rain *v.* James Duncan in Auld Rain. Cautioner George Gordon of Newtown.

Mar. 21. Sir Wm. Forbes of Monymusk, knight baronet *v.* Jean, Margaret, Annas, Elizabeth and Wm. Ferquhar, lawful children of the late Wm. Ferquhar in Dullab. Cautioner Archibald Ferquhar at the Miln of Clunie.

26. Barbara Quhyt, widow of Abraham Davidson in Milntoun of Gavell *v.* Wm. Scot in Lendrum. Cautioner Alexr. Mowat, tenant and occupier of 12 oxengait of Lendrum.

April 23. James Jonston in Muirtoun *v.* Michael Sangster at the Miln of Kinguidie. Cautioner John Sangster, Workman in Abd. Six ellis of grayes in the hands of Alexr. Moir at the Waik Miln of Bourtie.



## Aberdeenshire Sheriff Court:

1631.

May 7. **Loosings of Arrestments.** John Lumsden of Tullicarne *v.* Gilbert Thomsone there. Cautioner John Nun, Fermorer in Abd.

11. John Gordoun of Haddo *v.* Gilbert Gordoun in Knaven. Cautioner Thomas Lumsden, portioner of Kinnellar. Houses and buildings as well as peats, &c., of the arrestee's occupation on Barrack.

18. James Cheyne of Arnage *v.* James Symson in Auchadlie. Cautioner Patrick Straichin of Kynnadie.

20. John Urquhart of Craigfintrie *v.* George Prat in Balthangie. Cautioner Andrew Birnie, Merchand, burgess of Abd.

Alexr. Gardyne, Fear of Blakfurd *v.* John Bird in Badaquasche. Cautioner Alexr. Sinclair, occupier of 10 oxengait of Chrichnalead.

23. Alexr. Burnett of Clunie *v.* Wm. Miln in Nather Schiell. Cautioner Robert Skein of Tillibirlach.

Alexr. Fraser, eldest lawful son of the late Alexr. Fraser of Techmurie, and John Fraser, his Tutor *v.* Wm. Daniel in Percok of Deir. Cautioner James Daniel, occupier of the "sun pleuch" of Percok.

24. **Tutary.** John Wilsone in Milnbrex, who had, as "narrest agnet," been served Tutor to George, William and Elspet Wilsone, lawful children of the late Robert Wilsone in Milnbrex, accepted office and found George Raitt of Folla as cautioner for his faithful exercise of the office.

25. **Loosings of Arrestments.** Mr. Patrick Maitland of Auchincreib *v.* Thomas Mitchel, Messenger at the Little Miln of Essilmont. Cautioner Alexr. Gordoune, indwellar in Abd.

Isobell Aidie in Kyncardyn O'Neill *v.* James Fiddes in Slowie. Cautioner John Maitland, Smith, frieman in Abd. £40 in the hands of Andrew Johnestoun, Adam Ramsey and John Duguid in Kyncardyn O'Neill.

26. John Urquhart of Craigfintrie *v.* Alexr. Hay at the Miln of Potglassie. Cautioner Andrew Meldrum of the Muirs of Fywie.

John Gordon of Ardlogie *v.* Alexr. Toshea at the Brigend of Ardlogie. Cautioner Robert Kyntoir, Cordonier, frieman in Abd.

28. Alexr. Andersone in Tullinturk *v.* James Ross in Burnesyde of Lumphannane. Cautioner John Fodringhame, occupier of 8 oxengait in Craigtoun of Lumphannan.

James Cowtes in Gellane *v.* Wm. Cordonier there. Cautioner George Cordonier, occupier of 8 oxengait of Kincragie.

June 4. **Renunciation and Discharge.** Isobel Irving, wife of John Irving of Torrielyth, renounced her rights to New Place of Balbithan and Boig thereof called Boig of Hedderweik in the parish of Kynkaill in favor of John Irving of Artamphart.



## Judicial Enactments : Vol. IV., Contents

1631.

- June 4.     **Renunciation and Discharge.** Agnes Jaffray, wife of Alexr. Sangster in Wattrishmuir, renounced all her rights to the lands of Wattrischemuir in the parish of Foveran in favor of John Turing of Foveran and his heirs, to remain with them as their own proper heritage.
6.     **Loosing of Arrestment.** John Dovernie at the Miln of Udney *v.* Wm. Udney of Tullieva. Cautioner Mr. Robert Udney (signing Udnie) of Lamington.
7.     **Removing.** Alexr. Weyntoun, sometime in Broomehills, then in Kynmundie, renounced the possession of the lands of Broomehills in the parish of Sanct Machar in favor of Margaret Jamesone, widow of Thomas Shand, burgess of Abd.
21.    **Loosings of Arrestments.** Sir James Gordon of Lesmoir, knight baronet *v.* Alexr. Forbes of Petsligo, Robert Forbes of Auldtoun, Andrew Neilson, Alexr. Wilsone, Alexr. Bettie, John Glennie, all in Meikill Wardes, and Robert Cruikshank at the Miln of Meikill Wardes. Cautioner James Mowat, burgess of Abd. Peats, &c., in the Moisses of Meikill Slak.
28.    William, Earl Marshell, &c., and Wm. Dalgarno of Blakwater and Wm. Dalgarno in Crichtie, his Lordship's Bailies *v.* Thomas Body in Peterheid. Cautioner George Gordoune, burgess of Abd. Peats, &c., in the Mois of Quhythill in the parish of Peterheid.
- July 2.    Alexr. Forbes of Petsligo *v.* Henry Michie in Clinkistoun of Johnslieyis. Cautioner Mr. Andrew Massie, Minister at Drumblait. Peats, &c., in the Mois of Clinkistoun.
4.     Thomas Body in Peterheid *v.* Andrew Gray, elder, and James Bodie, Bailies of Peterheid. Cautioner Alexr. Lorne, burgess of Abd. Peats, &c., within the half mois of Quhythill.
9.     James Reid in Culsche *v.* John Reid at the New Miln of Brux. Cautioner Robert Russell, indwellar in Abd.
- James Fraser of Tyrie *v.* Wm. Fraser in Newseat of Easter Tyrie, Walter Ros in Keythishillok and others. Cautioner James Crystie, Tailzeor, burgess of Abd.
20.    John Lumsden of Tullecarnie *v.* Wm. Hall in Muttonhoill. Cautioner Mr. Alexr. Robertsons, Minister at Clunie.
27.    Marjorie Knowes, liferentrix and Mr. Gilbert Keyth, Minister at Skeyn, heritable proprietor of parts of Meikill Finnersie and Moneght *v.* Wm. Blakhall, portioner of Finnersie and James Young in Moneght. Cautioner James Blakhall, burgess of Abd. Crop growing on the South, Southeast, East and Northeast parts of the Miln Croft of Meikill Finnersie and also on that part of Moneght called the Walsheid.

## Aberdeenshire Sheriff Court :

1631

- July 15. **Renunciation and Discharge.** Margaret Bodie, wife of Alexr. Seton in Meikill Coklaw, renounced her rights to "that tua pleuches of Land houssis bigingis," &c., "of the landes of Lochbanks and Brodland occupiet be John Scott and Wm. Tarves" in the parish of Cremonth, in favor of Wm. Gordon of Brodland and Cristian Walker, his wife. This Renunciation was taken on Commission at Peterhead of this date and reported at Aberdeen on 30 July. The Sheriff deput and Sheriff Clerk Substitute who took it were Thomas Gordon of [?] in Brodland and Patrick Miln, Notary Public in Peterhead.
- Augt. 24. **Loosing of Arrestment.** Isobel Chalmer, widow of Alexr. Grassich, sometime in Ardgeith *v.* John Grassich in Ardgeith and Allaster Grasseich in Tilliechespick. Cautioner Helen Forbes, widow of James Elphingstoun of Barnes.
25. **Renunciation of Lease.** James Leslie, sometime in Auld Rain, then in the Maines of Caskieben, who had obtained a Lease of the third part lands of Maines of Caskieben in the parish of Monkegie from Sir George Jonston of that Ilk on 21 March preceding, now renounced it in favor of Sir George. The houses on the possession were described as "the fyr hous tua byres ane staibill the meikill aitt barne with the half of the kil and kilbarne." Leslie also renounced his right to the "oxen, pleuch and pleuch gear" which he had received from the landlord with the lease.
- Sept. 24. **Loosings of Arrestments.** John Lamb in Raineshill *v.* David Cuming in Boddomes of Mamewlie. Cautioner Andrew Howiesone, Merchand, burgess of Abd.
26. David Cuning, sometime in Boddomes of Mamewlie *v.* John Lamb in Raineshill. Cautioner John Liddel, Cowper, burgess of Abd.
- Alexr. Gordon of Carneburro *v.* Adam Gordon in Walheides. Cautioner Thomas Gordon in Artlach. Corn on the Miln lands of Carneburro.
- James Gordon of Blakfuir *v.* Robert Thomson in Bakiehill. Cautioner Patrick Gordon of Badinscoth. "Corn on the burnsyd of Bakiehill in the Meadow & Hauchgress thairof."
- [A page or two missing here.]
- Date **Renunciation and Discharge.** (Imperfect.) Isobel Forbes, wife of Patrick wanting. Gordoun of Glanderstoun renounced her rights to the fourth part Maynes of Caskieben in favor of Sir George Johnstoun. The beginning of the entry is awaiting, but a comparison with a signature to another entry (p. 326) clearly identifies Patrick Gordoun.
- Novr. 21. **Loosings of Arrestments.** Wm. Forbes of Cragievar, Margaret Edvard, Lady Cragievar and Robert Dowglas, then her husband *v.* James Yuill at the Miln of Glenkyndie. Cautioner James Irwing of Ardgowis.
22. George Baird of Auchmedden *v.* Mr. Wm. Hepburne at the Milne of Abirdour. Cautioner Patrick Hepburne at the Little Mylne of Essilmonth. The "haill faill dovattis and middingis cassin & maid be the said Mr. Wm." and his tenants within the bounds of the lands of Clintertie.

## Judicial Enactments: Vol. IV., Contents

1632.

Jany. 9. **Loosings of Arrestments.** Mr. Wm. Burnet, Minister at Kynnairnie *v.* Alexr. Nicoll, Duncan Troup, Robert Crystie, John Crystie, Alexr. Crombie and Wm. Meldrum all in Midmar and Wm. Touche, Thomas Gellan and John Gellan all in Sunhennie. Cautioner John Gordoun, servitor to Alexr. Gordoun of Abirzeldie.

20. John Leith in Haltoun of Fintrie, Isobel Melvill, his wife, Alexr. Sym at the New Miln of Fintrie and Agnes Melvill, his wife *v.* John Dun in Wester Fintrie, husband of Janet Milne, who was widow and executrix of Wm. Melvill in Waster Fintrie. Cautioner Charles Dun, occupier of 10 oxengait of the toun and lands of Kinkail.

Feby. 10. James Ogilvie of Auchlewchries *v.* Wm. Gray in Westertoun of Auchlewchries. Cautioner Alexr. Hay in Ernehill.

14. Patrick Leyth of Mongarrie *v.* Jaspert Cushnie in Hoilmiln. Cautioner Thomas Cushnie, burgess of Abd.

17. **Renunciation and Discharge.** Christian Walker, wife of Wm. Gordon of Brodland, discharged all rights to two ploughs of land in Brodland and Lochbankes [or Lochbaukes] in favor of Andrew Phynn timer, Bailzie in Peterheid. This she did in fulfilment of a Contract of Wadset dated 21 and 26 November, 1631. The renunciation was taken at Brodland on 6 December, 1631, before Thomas Gordone in Brodland and Patrick Miln, Notary Public, as Sheriff depute and Sheriff Clerk Substitute in that part. The yearly value was thus set forth "extending yeirle in fie rent and dewtie to thrie chalderis thrie hollis rin mett bear fourtie ane merks money four wedderis four lambes tua disson capones tua disson pultrie & harradge carrage and dew service usit & wont."

24. **Loosing of Arrestment.** Thomas Erskin of Balhaggartie *v.* John Leslie in New Flinder and others. Cautioner Patrick Gordoun, Fiar of Kyncraigie, whom Olipher Gordoun of Flinder bound himself to relieve.

**Removing.** Patrick Calder (signing Cadell) in Meikill Abircate renounced his possession there in favor of Mr. David Andersone of Finzeauch and Alexr. Stewart, burgess of Abd., his Tutor, at and from the term of Whitsunday following.

Mar. 4. **Loosings of Arrestments.** James Findlay in Pettulie *v.* Alexr. Muirieson in Torretuthill. Cautioner John Craik, occupier of 10 oxengait of Crimonmowget.

19. Wm. Baxter, Skipper in Fraserburgh *v.* Wm. Forsyth, Merchand in Peterheid. Cautioner John Symson, Merchand there.

April 26. John Gordoun of Haddo *v.* Robert Johnstoun in Park of Kellie. Cautioner Robert Murray, Cowper, burgess of Abd.

May 4. Wm. Gordoun of Sawquhane *v.* Robert Midiltoun and Thomas Meldrum in Little Sauchane. Cautioner Robert Skeyne of Tillebirlache.

16. Susanna Leyth, widow of James Gordon of Knokaspak, liferentrix of Drumrossie *v.* James Miln, Wm. Miln and Alexr. Reid in Drumrossie. Cautioner Robert Cruikshank, elder, burgess of Abd.



## Aberdeenshire Sheriff Court :

1632.

May 16. **Loosings of Arrestments.** Margaret Forbes, widow of Patrick Leslie, sometime of Duncanstoune and Olipher Gordon, her husband *v.* John Leslie in New Flinder and others. Cautioner Arthur Forbes of Balnabroche.

17. Gordon, widow of George Gordon, Fiar of Colpnay, John Gordon of Craig, her husband, George Gordon of Colpnay and George Gordon, younger, of Tillaquhowdie *v.* John Innes in Pettins. Cautioner John Udney of Balhelvies.

19. Walter Barclay of Tollie and his Curators *v.* Francis Barclay in Wodtoun of Tollie. Cautioner Wm. Barclay of Ordley.

Mr. John Chein, Parson of Kynkaill *v.* Patrick Leslie, Merchand in Kyntoir. Cautioner John Leslie, Notary and Messenger in Kyntoir.

23. Gilbert Bedie, burgess of Turreff *v.* Isobell Thomson, widow of James Bedie in Turreff and John Murray, her husband. Cautioner Wm. Forbes, Merchand burgess of Abd. The rent and key of the door of a buith in Turreff, liferented by Isobel Thomson, had been arrested.

24. **Renunciation and Discharge.** John Cuschny, sometime in Kowcraiges in the parish of Culsalmund, renounced that croft with certain privileges of pasturage and brewing and moss rights in favor of George Gordon of Newtown. The consideration money was 300 merks.

26. **Renunciation and Discharge.** Barbara Forbes, wife of Doctor William Jonston, in consideration of 3000 merks paid to her husband and her by Patrick Leyth of Mongarrie, renounced all her rights to the Lands of Johnstoun in the parish of Leslie, which had been wadset to Doctor Jonston under Contract dated 8 June, 1631. The latter signed "W. Jonston D."

**Loosings of Arrestments.** Sir Thomas Urquhart of Cromertie, knight *v.* Wm. Meldrum in Stroquharie. Cautioner Wm. Dalgarno of that Ilk. The buildings on Stroquharie, wood work and other "fixet wark" were included in the arrestment.

31. John Gordon of Haddo *v.* Wm. Lawrence in Andat. Cautioner Andrew Barclay in Auchreiny.

George Carnie in the Boig of Crimond and John Hay in Tulliekirie *v.* Andrew Nicolsone in Peterheid. Cautioner Alexr. Leslie, burgess of Abd.

**Judicial Ratification.** Isobel Irwing, wife of Alexr. Irwing of Altrie, consented to and ratified to wadset of the sun and shaddow pleuchies of Over Altrie in the parish of Deir in favor of Robert Seton of Mynnes dated the previous day.

June 1. **Loosing of Arrestment.** Wm. Leask, younger, of that Ilk *v.* John Sym in Belliscamfie and Meattie Fidler, his wife. Cautioner Wm. Sym, tennent and occupiar of Saak of Dear. The claim was for 400 merks of rent and 100 merks as the price of corn.



## Judicial Enactments: Vol. IV., Contents

1632.

- June 1. **Renunciation and Discharge.** Janet Bedie, wife of Alexr. Mitchel, burgess of Abd., in consideration of 1000 merks paid to her husband by Wm. Barclay of Ordley for the redemption thereof, renounced all her rights to Ouir Ordley in the parish of Auchterles.
4. **Loosing of Arrestment.** David Philp, as Executor of Duncan Philp, his father v. Thomas Fraser, Cordoner in Abd. Cautioner Wm. Fraser, burgess of Abd., father of Thomas Fraser.
6. **Renunciation and Discharge.** Katherine Rolland, wife of Mr. Wm. Guild "ane of the Ordinar Ministeris of the Burghe of Abd.," renounced all her rights to Balquhorsie in the parish of Kynnedvart in favor of Wm. Dalgarno of that Ilk. The lands had been wadset for a sum of 5000 merks, which was now paid up.
15. **Revocation of Deeds granted in Minority.** James Abercrombie in Lonheid of Bonytoun revoked all deeds done in his minority and specially an obligation for 115 merks dated August, 1631, in favor of Cristall Irwing, sometime servitor to Alexr. Maister of Forbes.
23. **Renunciation and Discharge.** Katherine Baird, widow of Alexr. Gordoune of Blelak and wife of Robert Gordoun of Haltoune of Drumbulg, renounced her rights to the lands of Blelak extending to a half dawache situated in Cromar, in the Lordship of Mar and parish of Logie Mar, and also her liferent of the lands of the middle third of Culdraine in the Marquisat of Huntlie and parish of Gartly, all in favor of John Gordoune, eldest lawful son of John Gordoune, then of Blelak, who was brother and heir of the said late Alexr. Gordoune, sometime of Blelak.
- July 3. **Loosings of Arrestments.** Alexr. Gordon of Tilliegrig v. Wm. Aiken there. Cautioners James Aiken, occupier of 12 oxengait of Carnefechill, and Andrew Duncan, occupier of 8 oxengait of Ouirhill of Straloch.
13. Sir George Jonston of that Ilk, Wm. Forbes of Tolquhon, Walter Forbes of Thainstoun, John Forbes of Gask, John Forbes of Balnagask and Arthur, Lord Forbes v. George Fawsyd, John and Patrick Burnet, Patrick Ferrar, Wm. Ingraham, George Smith, all in Tollies, George Walker in Blerindinnie and Henry Layng and James Scott in Tailach. Cautioner Patrick Dalgarno in Byth.
24. Mr. James Forbes of Hawchtoun v. John Robertsons in New Keig. Cautioner Arthur Forbes of Balnabroth, brother natural to Arthur, Lord Forbes. Peats in the Moss of Meikill Endovie.
- Augt. 15. John Forbes in Pitskaw v. George Glennie and John Henderson there. Cautioner James Skeddoway, Wobster in Ald Abd.
24. Andrew Raitt, eldest lawful son of the late Mr. David Raitt, "Principall of the Kingis Colledg of Ald Abd." v. George Andersone in Ald Abd. Cautioner Andrew Hoig, burgess of Abd. In security of a claim of 420 merks.

## Aberdeenshire Sheriff Court:

1632.  
 Sept. 8.     **Loosings of Arrestments.**   Wm. Smieth in Buchanstoun *v.* Wm. Heilland in Wastbigging. Cautioner George Leith of Overhall of Barnes.
11.        Sir Alexr. Cuming of Culter, knight *v.* Alexr. Gariauch in Ardo. Cautioner John Donald, "occupiar of ane croft of the lands of Auchlownies and of ane halfnetts salmond fishing of Ardo." £20 arrested in the hands of Mr. Hew Irwing in Cultis in security of claim of 25 merks.
15.        Patrick Leyth of Quhythauch *v.* Agnes Crag in Buquharne. Cautioner Thomas Anderson, burgess of Abd. Crop on the Brewcroft of Mongarrie.
- Octr. 2.     Alexr. Lumsden of Clova *v.* George Anderson, indwellar in Abd. Cautioner John Anderson, Cordoner, frieman in Abd.
26.        George Gordon, Fiar of Tillaquhowdie *v.* John Innes in Pettins of Balhelvie. Cautioner John Scott, occupier of 8 oxengait of Fawchsyd.
- Novr. 16.   James Crichtoun of Frendracht, Dame Elizabeth Gordon, his wife, and others *v.* James Gordun, Merchand at Foigr. Cautioner James Cruikshank, Armorer, burgess of Abd.
17.        **Discharge of Wadset.**   George Jonstone, lawful son of the late Thomas Jonstone, sometime in Kinkell, renounced his rights over Kirkcoun of Monkegie in favor of Sir George Jonston of that Ilk, knight baronet. The amount of the loan is not mentioned.
- Loosing of Arrestment.**   Marjorie                   , widow of Thomas Forbes of Glasterberrie *v.* Andrew Walker of Counteswallis. Cautioner Alexr. Leyth of Counteswallis.
- Renunciation and Discharge.**   Helen Barclay, wife of Mr. Wm. Lumsden, Advocat in Abd., renounced her rights to the lands of Tilliecorthie in the parish of Foverne in favor of Mr. James Clerk, son-in-law of Mr. Robert Udny of Lammingtoun and Jean Udny, his wife. The Disposition to these parties was dated 13 October preceding.
20.        **Loosings of Arrestments.**   John Gordon, elder, burgess of Abd. *v.* George Gordon of Newtown. Cautioner Patrick Gordoun of Glanderstoun.
22.        Alexr. Forbes of Auchintowll and Marjorie Mortimer, his wife *v.* Thomas David-  
             sone of Graystain. Cautioner Sir George Jonston of that Ilk.
- Agnes Straquhan, widow of James Forbes, burgess of Abd. *v.* Margaret Blakburn, wife of Mr. Andrew Aidie, burgess of Abd. Cautioner John Fraser of Clintertie. £40 arrested in the hands of Sir Wm. Forbes of Cragywar, knight baronet.
23.        [?] Ewmond Graden in Kinloch and Alexr. Graden, his son *v.* James Ord in Scottistoun and Agnes Graden, his wife. Cautioner Robert Ord in Inverugie. 3000 merks of principal and 1000 of liquidate expenses arested in the hands of Sir James Gordon of Lesmoir, knight, Sir James Gordon, Fiar of Lesmoir, and Wm. Gordon of Brodland.

## Judicial Enactments: Vol. IV., Contents

1632.

- Novr. 23.     **Renunciation and Discharge.** Katherine Fraser, wife of Thomas Cheyn of Raniestoun, renounced her rights to the lands of Raniestoun in the parish of Logy-buchan in favor of Alexr. Cheyn, the eldest lawful son of her and her husband. In exchange she received a Bond for 500 merks per annum granted by Alexr. Cheyn, her son, as principal, and James Cheyn of Arnage as cautioner.
- Decr. 6.     **Removing.** Wm. Tellie at the Auld Milne of Crimond renounced his occupancy of Auld Milne in favor of Sir George Jonston of that Ilk.
7.     **Loosings of Arrestments.** Patrick Crake in Langheaven *v.* Andrew Harper, burgess of Abd. Cautioner David Reid, Skinner, burgess of Abd.
13.     Gilbert Herwie of Elrick *v.* Margaret Jamesone, widow of Thomas Shannd, burgess of Abd., and Wm. Shannd, her son. Cautioner Mr. James Clerk of Tilliecorthie.
22.     Jean Gordon and John Gordon of Craig, her husband, and George Clerk in Pettines *v.* Alexr. Smart at the Kirk of Balhelvie. Cautioner Wm. Craigheid, burgess of Abd. The "haill middines and muckfaill cassin or to be cassin" by Smart on the lands of Pettines.
28.     Jean Gordon, widow of George Gordon of Coelarachie, and John Gordon of Craig, her husband, and Alexr. Smart at the Kirk of Balhelvie *v.* George Clerk in Pettines. Cautioner John Liddell, Cowper, burgess of Abd. The subject of arrestment as in the preceding entry.

1633.

- Jany. 9.     **Revocation by Married Woman.** Margaret Liddell, wife of Mr. Wm. Jonstoun, elder, burgess of Abd., made a general revocation of all deeds granted by her in favor of her husband and her sisters german Jean and Helen Liddell, and in special of a Disposition granted by her and her husband in favor of her sisters, of certain tenements "lyand anent the Trinitie Frieris in the said burghe" as done by her to her "enorme lesion vi et metu mariti."
12.     **Loosings of Arrestments.** James Gordon of Balmurrell *v.* Elizabeth Seton, widow of Wm. Gordon, sometime of Abirzeldie. Cautioner Alexr. Donaldson, occupier of 6 oxengait of Kirkcoun of Kynnairnie. 58 bolls victual in the hands of Alexr. Gordon of Abirzeldie.
14.     John Fraser of Little Clintertie *v.* John Aiken in Shethockisley. Cautioner John Lumsden, Baxter, burgess of Abd. Corn standing in a cornyard at Stainnievod, sometime belonging to James Aiken, the father of John Aiken.
15.     **Revocation of Deeds granted in Minority.** Alexander Gordoune, youngest lawful son of John Gordoune of Tillieilt, in addition to a general revocation of deeds granted in minority to his hurt, specially revoked Bonds granted by his father as principal and himself as cautioner (1) to the late George Forbes of Craigie for £100 and (2) to Thomas Gordon, Tailzeor, burgess of Abd., for £137.

## Aberdeenshire Sheriff Court :

1633.

Jan. 14.     **Renunciation and Discharge.** Isobel Farquharsone, wife of John Gordoune, younger, of Blelok, with consent of her husband, renounced her liferent of the lands of Tulloskeuth in the Lordship of Kildrummie and parish of Invernochtrie in favor of her father-in-law and her husband. The liferent of the lands had been settled on her by Marriage Contract between her father, Robert Farquharsone of Finzeon, and her on the one part, and John Gordone, elder, of Blelok, and his son John on the other part. By the Contract it was provided that the lady could give up her liferent of Tulloskeuth (also spelled in the entry Todriskeuth and Toladdskeuth) whenever she was secured in a liferent of the lands of Blelok, which had now been done. Her Renunciation was taken at Blelok on 7 January by Robert Gardyn of Tillifroskie, as Sheriff Depute in that part, and the witnesses to the signing of the Report of Commission were Robert Farquharsone of Fingin, Alexr. Farquharsone, his son, Mr. John Reid, Minister at Terlen, and James Fyff, Notary Public, who was also Sheriff Clerk Substitute for the occasion.

Feb. 15.     **Loosings of Arrestments.** Thomas Davidsone in Ardgethin *v.* Alexr. Forbes of Auchentowll. Cautioner Thomas Mortimer, burghess of Abd.

20.     Elizabeth Seton, widow of Wm. Gordon of Abirzeldie and Andrew Gray, Appearand of Shives *v.* Thomas Westland, James Towche, James Crystie, John Milne, Thomas Crystie and James Donald, all in Bandtuith. Cautioner Mr. Wm. Burnet, Minister at Kynnairnie, heritable proprietor of Bandtuith.

Wm. Duncan in Frosterhill *v.* David Moir there. Cautioner Peter Moir, Merchand, burghess of Abd.

26.     William and James Bissett "bairnes and executours lauchfullie confirmit" to Patrick Bissett, sometime in Auchquhirtin and Alexr. Bisset in Wardes, his brother german *v.* Katherine Milne, the deceased's widow. Cautioner Wm. Milne, tennent and occupiar of 8 oxengait of Brancill.

27.     Mr. Gilbert Ross, Maister of the Musick Schuil of Ald Abd. *v.* Alexr. Williamsone, Baxter, burghess of Abd. Cautioner Edward Walker, Baxter, burghess of Abd.

Mar. 23.     John Leith of Achlie *v.* Elizabeth Setoun, widow of Wm. Gordoun of Abirzeldie. Cautioner Andrew Gray, Appearand of Shives. 58 bolls of victuall "tua pairt thair of meill and thrie pairt bear or malt" had been arrested in the hands of Alexr. Gordoun of Abirzeldie. [*Vide p. 327 supra*].

May 9.     James Cheyn of Arnadge *v.* John Burnet in Corss of Mamewlie. Cautioner Wm. Burnet in Ald Abd. Buildings, &c., arrested.

John Forbes, eldest lawful son of the late John Forbes of Byth, Mr. Robert Udny of Lammington, his Curator, and Patrick Dalgarno, their Factor *v.* John Watsone in Ovir Tilliemald. Cautioner Robert Irwing of Feddret.

16.     Arthur Forbes in Invernochtrie *v.* Alexr. Walker in Nether Ruithwin. Cautioner John Walker at the Miln of Auchtercoul.



## Judicial Enactments: Vol. IV., Contents

1633.

- May 23. **Renunciation and Discharge.** Elspet Smyth, wife of Wm. Lindsay in Burrel-daillis, renounced her right to Burreldaillis in the parish of Fyvie in favor of Walter Barclay of Tollie. This was obviously the completion of the Discharge of a wadset right granted by the late Sir Patrick Barclay for 1600 merks in 1618.
25. **Loosings of Arrestments.** George Jhonstoun, elder, burgess of Abd. *v.* Thomas Thomsone, Merchand, burgess there. Cautioner Mr. Alexr. Reid, burgess there.
27. John Bruce of Chappelltowne of Essilmont and Isobel Cheyne, his wife *v.* John Peirie there. Cautioner James Alleis, occupier of four bollis sawing in Hillheid of Mosstoun. Houses, &c., specially arrested.
28. John Lumsden of Tulliecarne, heritable proprietor of Meikill Maidler *v.* Patrick Dick in Meikill Maidler. Cautioner John Dick, occupier of 8 oxengait of Torphinnis.
31. John, Earl of Mar, &c., and his Chamberlanes, Baillzies and Factors *v.* George Cannon in Maynes of Kildrymmie. Cautioner John Cannon there.
- June 1. Sir Robert Innes of that Ilk, knight *v.* Thomas Ferquhar in Pitfour. Cautioner Adam Dalgarno in Brodland.
3. Gilbert Hervie of Elrick *v.* Margaret Jamesone, widow of Thomas Schand, burgess of Abd., and Alexr. and Wm. Schand, her sons. Cautioner Thomas Barnatt, Merchand, burgess of Abd. The buildings on Brounhillis.
4. **Removing.** John Tilliry, occupier of the North Syd of the Mylne of Boigholl in the parish of New Sanct Macher, bound himself to remove at Whitsunday in favor of Gilbert Johnstoun of Frosterhill.
- Loosings of Arrestments.** Mr. James Forbes of Hauchtoun *v.* Duncan Geills in Smydihill. Cautioner John Renye in Cairnecoyische.
5. Patrick Leyth of Montgarioch *v.* Wm. Meanie in Braetoun. Cautioner Alexr. Andersone, Merchand, burgess of Abd.
6. John and William Cormock in Daviot *v.* John and Wm. Andersone in Ardoyn, who were cautioners for each other.

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**Renunciations and Discharges.** In three separate entries Dame Elizabeth Forbes, wife of Sir George Jonstoun of that Ilk, renounced her rights to and consented to the wadset of (1) Ouirtown of Dyce in favor of Mr. Andrew Skeyn in Ouirtown of Dyce and Margaret Forbes, his wife, (2) Standenstaines of Dyce in favor of Alexr. Anderson, tennent and occupiar thereof, and (3) Sleipiehillock in Dyce in favor of Mr. Patrick Chalmer, Sheriff Clerk of Abd., and Helen Anderson, his wife, the longest liver of them and of the heirs of the marriage, &c.

## Aberdeenshire Sheriff Court :

- 1633.
- June 18.     **Loosings of Arrestments.** Sir Wm. Forbes of Craigivar *v.* John and James Simsone and others in Balliziestoun. Cautioner Robert Andersone, Baillie of Kintoir. Peats in moiss of Lamingtoun.
- July    3.     Alexr. Stewart, burgess of Abd., as Tutor, by reason of his furiositie, to Mr. David Andersone of Finzeach *v.* Mr. Thomas Gordoun of Pettendreiche. Cautioner James Gellane, occupier of 4 oxengait of Glentoune. Peats in the moiss of Finzeach.
9.     Patrick Forfor in Haddo *v.* Alexr. Michell in Ratre. Cautioner John Gordoun of Brodland.
15.    Mr. James Forbes of Haughtoun *v.* Patrick Leith of Quhythauch. Cautioner John Renye, occupier of 4 oxengait of Cairnecosche. Peats in the moss of Meikill Endowe.
- Mr. James Forbes of Haughtoun *v.* Mr. John Grigorie, Minister at the Kirk of Drumaoch, and Jean [?] Guild, widow of David Andersone of Finzeach. Cautioner James Andersone, burgess of Abd.
16.    Duncan Chrystie in Haltoun of Skein *v.* Robert Wat in the Manes of Cluny. Cautioner Alexr. Kar, indwellar in Abd.
17.    John Leslie, elder, of Pettcapill *v.* Wm. Senzeour in Daviot. Cautioner Wm. Weislie, occupier of 8 oxengait of the Kirkton of Daviot.
- Augt.   2.     Mr. Wm. Johnstoun, elder, burgess of Abd., and Margaret Liddell, his wife *v.* Wm. Moir in Ferrehill and Patrick Gib, burgess of Abd. Cautioner Samuel Messone, burgess of Abd.
15.    Robert Irwing of Feddret *v.* Patrick Stewart, sometime in Quhytsteanes. Cautioner James Prait at the Mylne of Laithris.
23.    John Hay of Crimonmogat *v.* Wm. Robertsone in Edny and Christeane Massie, his wife. Cautioner John Browne, Merchant, burgess of Abd.
26.    **Renunciation and Discharge.** Barbara Forbes, wife of Doctor William Jonston, Doctor of Medicine, renounced her rights to (1) Boynds in the barony of Caskieben and (2) Porterstoun on the south syd of the Water of Urie and others in favor of Sir George Jonstoun of that Ilk.
- Sept. 12.   **Loosings of Arrestments.** John Connand, elder, in Nather Kildrymmie and Cristian Smyth, his wife *v.* Alexr. Forbes in Ballabeg and John Forbes, his brother. Cautioner John Forbes in Craig.
17.    Mr. Wm. Seton, Minister at the Kirk of Methlick *v.* Isobel Burnet, widow of Mr. Adam Reid, sometime Minister there. Cautioner John Williamson, burgess of Abd. The corn crop standing on the Gleib.
18.    Arthur Forbes of Eight and Wm. Forbes at the Myln of Eight *v.* Patrick Forbes in Mylnbuith. Cautioner Mr. Robert Farquhar, burgess of Abd.



## Judicial Enactments: Vol. IV., Contents

1633.

- Sept. 27.     **Loosings of Arrestments.** Lenart [Leonard] Leslie, burgess of Abd. *v.* Sir Alexr. Cuming of Coulter. Cautioner Robert Ross, Tailzour, burgess of Abd. Six barrels of salmon and 300 merks arrested.
28.     Wm. Thome in Slipiehillock *v.* Lawrence Ronaldsone. Cautioner Wm. Schiras, occupier of 4 oxengait of Waltoun.
- Octr. 2.     Wm. Keyth in Garlogie *v.* James Mitchell at the Myln of Cursinday. Cautioner Patrick Scot, Notar Publict at the Kirk of Midmar.
- Patrick Leyth of Quhythauch *v.* Mr. James Forbes of Hauchtoun and James Boner in Owirhauch. Cautioner Thomas Davidsone of Graysteane. A dispute about the ownership of two rigs of lands of the hauches of Montgarie.
3.     Alexr. Forbes of Auchintoull *v.* Thomas Davidsone of Graysteane and others. Cautioner John Forbes of Bankheid of Towie.
8.     **Renunciation and Discharge.** Isobel Dowglas, wife of Alexr. Donaldsone, Merchand, burgess of Abd., eldest lawful son of the late James Donaldsone, burgess, renounced her rights to the sunny and shadow halves of Blairtoun in Belhelvie in favor of Mr. Wm. Lumsden, Advocat in Abd., and Helen Barclay, his wife.
14.     **Loosings of Arrestments.** Alexr. Banerman of Elsick *v.* Wm. Fergowsone in Cowlter. Cautioner Andrew Irwing, burgess of Abd.
18.     Helen Forbes, widow of Mr. James Elphinstoune of Bairnes *v.* John Forbes of Culquehich. Cautioner Wm. Reid in Deskorie.

## Illustrative Example taken from Vol. IV of Judicial Enactments

### Birth Brieve

(16 Octr. 1628)

The said daye In presens of the Shref deput forsaid Comperit Johne Watson in Crabstoun James Thome thair Walter Sklett in Sklettie & Ritchart Watsone burgess of Abd and being sworne deponit that they knew umqll Johne Gordoun merchand & travellar within the dominion and kingdome of Swain<sup>1</sup> within the Toun of Copperberrie<sup>2</sup> To haive bein sone natural repute & haldin & procreat betuixt Johne Gordoun sumtyme of Lastis now of Craibstoun and Elspet Keyth his mother and brother on the father syd procreat as said is to James Gordoun fiar of Craibstoun eldest lawfull sone to the said Johne Gordoun of Craibstoun Quairunto the Shref deput of Abd Interponit his authoritie And thairupon Thomas Merse notar publict in Auld Abd in name of the said James Gordoun tuik Act & Instrument

Mr ANDERSONE  
Shreff Clark of Abd.

Mr ALEXR. PAIP  
Shreff deput

<sup>1</sup> Sweden.

<sup>2</sup> A Swedish town near which are copper mines, which were much wrought in 17th century.



## The Diet Books: Vol. X., 1629-1634.

No Diet Book proper has survived, embracing the period from 1620 to 1629, the only Court Books which we have for these years being Minute Books of Judicial Enactments. On the other hand, no less than three different Court Books are in existence covering the greater portion of the years 1631, 2 and 3, viz., this Diet Book, a book of Decrees and a volume containing Judicial Enactments. In none of these, strange to say, have we the record of a single service, or of any criminal trial. The Diet Book, with which we are now dealing, contains a number of signatures, and must, therefore, have been kept in Court. It is a fairly large volume—about 350 closely written pages with frequently six or seven entries on a page—but it has been found impossible to deal with more than a fraction of the contents. The great bulk of the entries are Court enrolments in civil cases, each entry stating the object of the enrolment, with a jotting on the margin of the Interlocutor pronounced. The appearance of the entries strongly suggests that, as at present, the roll for each particular Court was written up beforehand and the marginal jottings made in Court at the Clerk's table. Although cases seem to have been enrolled on other than the regular court days, it is plain from this, as well as from other volumes that the Court sat for ordinary civil business twice a week on Wednesday and Friday as at present. It was no uncommon thing at this period for the Sheriff Principal to take his seat on the bench for the disposal of the ordinary business of the Court—Sheriff (afterwards Sir) Thomas Cromby of Kemnay, showing very special attention to this part of the Sheriff's duty.

## Table of Contents of Vol. X. of Diet Books

- 1629.
- June 3. **Discharge of Cautioner.** John Andersone, Cordiner, discharged Ronald Chessor, burgess of Abd., who had been cautioner for John Chessor, Andersone's apprentice.
13. **Revocation of Deeds granted in Minority.** Wm. Wicht, son of the late James Wicht in Knappis of Straloch, in addition to a general revocation, specially revoked certain rights granted by him in his minority, whether as an individual or as Tutor or Curator to his sisters, in favor of George Cheyne in Kinghorne.
- July 31. **Fiars Court.** The Lammas Court for crop 1628. 13 Jurors, of whom Patrick Gordoune of Gordonsmiln was one and also Chancellor.
- Augt. 12. **Appointment of Mairs Depute.** Robert Merser, Mair of Fie, presented George Mackiesone, Messenger, and George King in Auld Abd. as deputies to him, who were admitted and sworn in by the Sheriff depute.
- Octr. 6. **Head Court. Parliamentary Election.** The usual long list of Absent Barons and Freeholders, who were fined £50 Scots each. A number of suitors admitted. A list of 24 Barons present, who elected Thomas Erskine of Balhagardie and Thomas Crombie of Kemnay as their commissioners, with an allowance of 600 merks each for attendance at every Parliament and 200 merks for attendance at every General Convention. Sir Alexander Cumming of Culter and Alexander Seattoune of Petmedden were appointed "taxteris stentars and collectours" of these allowances. Wm. Gordoun, Fiar of Knokaspok, one of the old Gordon regime of Sheriff deputies presided.
- Appointment of Mairs Depute.** John Davidstone, indwellar in Abd. and John Fullertoune at the Kirk of Bathelnie presented and sworn.
- Decr. 1. **Appointment of Sheriff Principal.** Sir Alexr. Irving, younger, of Drum, having been appointed Sheriff by the King, his acceptance and oath were this day taken by Patrick Forbes, Bishop of Abd., who had a special Royal Commission for the purpose.
2. **Appointments of Sheriffs Depute and Fiscals.** Sir Alexr. Irving, the Sheriff Principal, appointed John Keyth of Glakreauche as principal Sheriff depute and in his absence Mr. Wm. Davidstone, Advocate, and Mr. Alexr. Paip and Alexr. Thomsone, Advocates in Abd. Mr. Wm. Barclay, Advocate in Abd., was appointed Procurator Fiscal in civil and penal actions, and Mr. Alexr. Gardyne, Procurator Fiscal in "criminal and capitall actiones." All were present and accepted office except Mr. Davidstone.

## Diet Books : Vol. X., Contents

1629.  
 Decr. 2.     **Action for Rent.** Sir Alexander Irving and Dame Magdalen Scrymgeour, his wife *v.* Tenants of Ruthven. This was a diet of proof presided over by John Keyth of Glakreauche, who had immediately before been placed on the bench by Sir Alexander Irving.
1630.  
 Jany. 12.    **Head Court.** 89 Barons and Freeholders fined £50 each.
- Feby. 22.    **Court of the Sherifffdoms of Aberdeen, Kincardine and Forfar and of the Regality of St. Andrews.** The entry is not filled in, but the Sederunt bears that Mr. William Davidsone "Advocatus coram Dominis Consilii et Sessionis" held a court in virtue of a commission under the Great Seal dated 16 January of this year.
24.        Nature of Action not disclosed. John Cuschnie *v.* Isobel Forbes, Ladie Wastoune. At this diet the following were designed as those who had witnessed the document which was challenged by the Defender, viz., the Pursuer, John Fraser, Chirurgeon in Newtoun of Culsalmund, Alexr. Andersone, burgess of Abd., the Pursuer's brother-in-law, Wm. Diak, servitor to Wm. Spens and James Spens and James Leask, Adillman,<sup>1</sup> at Auld Washall. A consignment of £20 was ordered on 3 March but an advocacy was then intimated.
- April 6.     **Head Court.** List of Absents fined £50.
- July 6.      **Revocation of Deeds granted in Minority.** John Downie, son of the late Wm. Downie, Wricht in Banchorie Trinitie, in addition to a general revocation, specially revoked an Indenture by which he had become bound to "John Blak, Wricht in Dundie," and the penalty and other clauses contained in it, as having been done in his minority to his hurt and prejudice. It would appear that the Indenture had been constituted by a judicial act in the Baillie Court of Dundee.
8.        **Removing.** William, Earl Marischal *v.* James Setoune and Alexr. Ronaldsone, in Liddauche.
14.       **Judicial Discharge.** Wm. Tailzeour in Daverne acknowledged that he had been paid 100 merks due to him by the deceased James Chessor in Glasgow<sup>2</sup> and discharged Ronald Chessor, burgess of Abd., and the other children of the deceased.
31.       **Fiars Court.** 12 Jurors.
- Augt. 11.    **Factory.** Andrew Burnet, burgess of Abd., as Baillie appointed by John Inglis and Wm. Dick, Merchants and burgesses of Edinburgh, over the lands and barony of Grandoun, appeared and accepted office. He appointed Andrew Burnet, younger, and Alexr. Burnet, younger, burgesses of Abd., to be his sub-baillies, Mr. Andrew Clerk and John Hunter, Notaries, to be his clerks, John Mackie, Alexr. Sandiesone and John Davidsone to be his officers conjunctlie and severally and David Maitland, Dempster. There was produced a dispensation allowing the Baillie to hold courts upon the lands during vacation.
1. Not found elsewhere. Possibly the man in charge of the dung court or receptacle for liquid manure.
2. The place now known as Glasgow-ego, was formerly frequently called "Glasgow," "Glasco" and "Glascha."



## Aberdeenshire Sheriff Court :

- 1630.
- Octr. 5.     **Head Court. Parliamentary Election.** Sir George Johnestoun, knight, baronet, presided as Sheriff Principal while Sir Alexr. Irving of Drum, knight, and Wm. Forbes of Tolquhon were elected. The allowances on this occasion were 400 merks each for attendance at a Parliament and 300 merks for attendance at a general Convention. Alexr. Seattoun of Petmedden and John Seattoun of Mynnes were appointed "Taxtars, Stenters, and Collectours."
7.     **Appointment of Sheriff Deputes.** Sir George Johnestoun, the Sheriff Principal, appointed Thomas Johnestoun of Craig as principal Sheriff depute and John Mackiesone in Inverurie to be a Sheriff depute until they were discharged.
- Decr. 1.     **Appointment of Sheriff Clerk Deputes.** Mr. Patrick Chalmer, styling himself Sheriff Clerk, but with consent of Mr. Wm. Andersone, who doubtless had still some claim on the office, appointed John Hunter and Mr. John Chalmer to be his deputes during his pleasure.
- 1631.
- Jany. 11.     **Head Court.** Thomas Johnestoun of Craig, as Sheriff depute, presided. Absents fined £50.
14.     **Removing.** Margaret Jamesone, widow of Thomas Schand, burgess of Abd., and Wm. Schand, her son *v.* Alexr. Wentoune in Brounhillis in the parish of New Sanct Machar. Wentoune acknowledged himself bound to remove at Whitsunday. [*Supra* p. 321.]
19.     Nature of Action not disclosed. Alexr. Mengzeis, brother german to Thomas Mengzeis of Balgonie *v.* Adam Smythe in Parvinnies, Thomas Watson in Siluerburne, Thomas Gibsone in Murcour, Patrick Hendersone in Buckie, Alexr. Bennett in Berriehill, Robert Hendersone in Denstoune, Gilbert Kempt, Flescher in Abd., and Hectour Still in Murcour for his interest.
- April 15.     **Removing.** Francis, Earl of Erroll and William, Lord Hay *v.* Patrick Hepburne of the Lytill Mylne of Essilmonth. Hepburne renounced his occupation of the sunny plough of Carnhill in the parish of Ellone from Whitsunday next.
19.     **Head Court.** Thomas Johnestoun presided. No sentence of fine recorded.
- June 15.     Nature of Action not disclosed. John Gordoun of Haddo *v.* Robert Johnestoune in Tarves. Advocacion produced.
- July 13.     **Appointment of Sheriff Depute.** The Sheriff Principal appointed Mr. James Irving, Advocate in Abd., to be a Sheriff depute.
26.     **Removing.** William, Earl Merschall *v.* James Seytoun, sometime in Liddauche of Skene, renounced his possession of the fourth part of Liddauche in obedience to a Decree of Removing at the instance of the Earl.
30.     **Fiars Court.** 12 Jurors.
- Octr. 4.     **Head Court. Parliamentary Election.** Alexr. Forbes of Petsligo presided as Sheriff Principal, while Sir Alexr. Irving and Thomas Crombie of Kemnay were elected Members of Parliament. The other arrangements were identical with those of 1630.



## Diet Books : Vol. X., Contents

1631.

- Octr. 4.     **Discharge of Sheriff Clerk Deputes.** Mr. Patrick Chalmer, Sheriff Clerk, discharged John Hunter and Mr. John Chalmer until they should be of new admitted.
6.     **Lawborrows.** John Leith of Harthill and Patrick Leith of Montgarrie bound themselves to keep the peace towards each other under penalty of 1000 merks each.
- Novr. 2.     **Appointment of Sheriffs Depute.** Alexr. Forbes, younger, of Boyndlie, appointed until 6 September, 1632, and Mr. James Irving, Advocate in Abd., appointed to act in his absence and that of the Sheriff Principal, but that only during the pleasure of the latter.
- Appointment of Procurator Fiscal.** Mr. Alexander Davidstone, Advocate in Abd., appointed during pleasure.
18.     **Admission of Mairs Depute.** Lancelot Leslie, Alexr. Watson, Messenger, John Davidstone, Wm. Gray, Wm. Mengall, George Martine in Kynnadie, James Cuschnie, Notary, and Thomas Robertstone were presented by the Mair of Fee and admitted and sworn by Forbes and Irving sitting together as Sheriffs depute.

1632.

- Jany. 10.     **Head Court.** Absents fined £50.
- Mar. 21.     **Removing.** William Abercromby at the Miln of Durno renounced his possession thereof in favor of Sir John Leslie of Wardes, knight, baronet, Sir Alexr. Gordoun of Clunie, knight, baronet, Mr. Wm. Davidson of Ord or either of them having best right thereto.
- April 10.     **Head Court.** Absents fined £50.
- July 5.     **Revocation of Deeds granted in Minority.** John Barrack at the Cobill of Ardlethin generally revoked deeds granted by him in minority to his hurt, and specially his obligation as cautioner for John Innes in Craigben in a suspension raised by him against Wm. Innes of Tippetie.
31.     **Fiars Court.** The Jury numbered 13, who are for the first time termed "persones of Inquest," there being in this case also an interlocutor signed by Patrick Gordoune of Gordonsmiln, the Chancellor of the Jury, and by the Sheriff depute.
- Octr. 1.     **Appointment of Sheriff Principal.** At a sitting in the Bishop's Palace, Alexander Forbes of Petsligo presented his commission from the Privy Council as Sheriff for a year. The oath *de fidei* was administered by the Bishop, who signed the entry.
2.     **Head Court. Parliamentary Election.** Sir Alexr. Irving and Thomas Crombie were again chosen by the barons present, who numbered 13 including themselves. Other arrangements as in 1630 and 1631.
- Appointment of Sheriffs Depute and Fiscal.** Alexr. Forbes, younger, of Boyndlie appointed Sheriff depute for one year. In his absence, Mr. James Irving during pleasure. Mr. Alexr. Davidson to be Procurator Fiscal for a year.

## Aberdeenshire Sheriff Court

1633.  
 Jany. 8.      **Head Court.** Absents fined £50.
- Mar. 27.      **Judicial Obligation.** John Wallace in Colfuird bound himself to pay to Alexr. Cuming, burress of Abd., £5 for 5 firlots of bear.
- April 30.      **Head Court.** Absents fined £50.
- July 26.      **Lawborrows.** Wm. Troup in Hospitall *v.* Wm. Gib, Gardener in Abd., *et e contra.* Thomas Lumsden, burress of Abd., was cautioner for Gib and Alexr. Yuill, flesher, burress of Abd., for Troup.
31.      **Fiars Court.** The Jury numbered 13.
- Augt. 7.      **Appointment of Sheriffs Depute.** The "Richt Honll." Thomas Crombie of Kemnay, sitting as Sheriff Principal, appointed Mr. Wm. Davidson of Ord and Mr. James Irving, Advocate in Abd., to be Sheriff deputies during pleasure and Mr. Alexr. Davidson to be Fiscal.
14.      **Renunciation.** Patrick Findlay in Newburghe renounced a croft in the midst of the crofts of Newburgh in favor of John Lichtoun, Skipper, burress of Abd., to whom it belonged.
30.      **Appointment of Sheriff Depute.** Wm. Cordoner, Advocate in Abd., appointed during pleasure and sworn in.
- Sept. 17.      **Conveyance of Crop and Stocking by Tenant to Landlord.** Duncan Broune in Kynmundie ratified a previous conveyance and of new disponed to his land-lord "the Richt Worshipfull" Sir Paul Meinzie of Kynmundie, his whole crop growing on Boddoms, and also "ane blak hornit ox with ane brandit hornit kow ane uther broune hornit kow with ane pyat mear sewin heids of sheip thair of four quhyt yewis & thrie breukit yewis." He did so in payment of "threttie sex merks borrowit monie" and in security for the plenishing of four oxengait land let to him by Sir Paul for crop 1633.
- Octr. 1.      **Head Court. Parliamentary Election.** On this occasion no fewer than 34 Barons were present. Their choice fell on Gilbert Meinzie of Pitfoddellis and Alexr. Seton of Pitmedden. The sums fixed for expenses at Parliaments and Conventions were 500 and 300 merks respectively. Alexr. Udney of Ochterellon and John Seton of Mynnes were appointed taxters, &c.
2.      **Appointment of Mair Depute.** Mr. Alexr. Bisset, Minister at Briechin and Mair of Fie, presented Alexr. Dawnie in Kemnay as a depute to him, who was admitted and sworn in.
- **Admission of Advocates in Aberdeen.** The Sheriff Principal (Cromby of Kemnay) admitted 16 Procurators to practise as Advocates in the Sheriff Court, and discharged all others from doing so until first lawfully admitted.
- Decr. 20.      **Appointment of Sheriff Clerk Depute.** Mr. Patrick Chalmer, Sheriff Clerk, appointed Alexr. Thomsons, Advocate in Abd., to be a Sheriff Clerk Depute.
1634.  
 Jan. 7.      **Head Court.** Absents fined £50. A list of Barons present is given numbering 16.

## Illustrative Examples taken from Vol. X. of Diet Books

### Revocation of Indenture

(6 July 1630)

The said day compeirit Johne Downie sone to umquhill Wa Downie sumtyme in Banchorie Trinitie wricht thair and of his awin frie motiwe will oncoactit or compellit certiorat of his awin richt for his awin weill utilitie and profite reuockit and past fra all and quhatsumeuer bands obligationes judiciall actis and utheris quhatsumeuer writtis maid or subscriuit be him to his hurt and preuidice to quhatsumeuer persone or personis and in speciall ane act or band maid & subscriuit be him in presens of twa bailleis of the burgh of Dundie & clerk of the same conteining the sowme of ane hundrethe pundis usuall monie of this realme in caice it sould happin the said Jon Downie to brak ony poynt of the Indentour past betuixt him and Jon Blak wricht in Dundie his maister And siclyk reuockit the haill poyntis articles clausis and conditionis of the said Indentour sua far as he is oniewayes astrict bund & obleist thairin to the said Jon Blak his maister And that becaus the said Jon now being within the aige of tuentie ane yeirs reuockit the samen in respect the samen was done to his hurt & preuidice Quhairupone the said Jon Downie tuik act of court and instrument

Mr AL PAIP  
Shref deput

JOHNE DOWNY  
with my hand

### Appointments of Sub-Bailzies, Factors, &c.

(11 Augt 1630)

The said day compeirit Androw Burnet burges of Abd bailzie constitut be Johne Inglis merchand burges of Edr for himselff and haucing power of Wa Dick merchand comburges of the said burgh be vertew of ane factorie and commissioun gevin and grantit to the said Androw be the said Jon Inglis of the dait the secund day of July 1<sup>m</sup> sex hundreth threttie yeirs With power to the said Androw to creat sub-bailleis deputis clerks officiars and all uther memberis of Court for haulding of Court or Courtis ane or ma upone the lands and barronie of Grandoune comprehending the landis of Grandoun Ower and Nether

## Aberdeenshire Sheriif Court:

Persleis with the corn and walkmylnes and salmond fishing on the Watter of Done belonging to the saids lands & barronie with the mylne mylne lands multurs sequells and knawshepis of the saids mylnes togidder with the tour fortalice maner place of Grandoun and siclyk upone the saids [lands] of Denstoun and Corthieback alias Ailhous croft with the preuiledgis of brewing belonging thairto with the houssis biggings yairds toftis croftis partis pendicles & pertinentis thairto lyand within the parochin of Sanct Machar and Shrefdome of Abd for payment making to the said Androw as factor and chamberleane to the said Johne Inglis for himselff and in name of the said Wa Dick of the mealls fermes keanis customes casualities and utheris dewteis of the said lands and utheris aboue specifeit addettit be the tennentis and occupiars of the saids lands mylnes & utheris respectiue aboue mentionat of the yeirs and termes bygaine and to cum conforme to the said factorie of the dait forsaid And the said Androw Burnet being personalie present according to the said factorie acceptit the said office of baillzierie and factorie in and upone him gave his aithe de fideli administratione And haueing power to creat sub bailzeis deputs clerks & officiars according to the tenour of the said factorie electit nominat and chuisit Androw Burnet younger burges of Abd and Alexr Burnet younger comburges of the said burgh his sub bailzeis Mr. Androw Clerk and Jon Hunter notar publict his clerks Jon Mackie Alexr Sandesone and Jon Daudisone officiars conjunctlie & seuerallie and Daud Maitland dempster qua being personalie present acceptit the saids offices respectiue in and upone thame & gave thair aithes de fideli administratione quhairupone the said Androw Burnet tuik act of court and instrument And siclyke the said Androw Burnet producit ane dispensatione of the Lords of Counsell and Session for haulding the Court or Courtis ane or ma upone the said lands for payment of the mailis fermes & utheris respectiue aboue writtin nochtwithstanding of the clois and feriot tyme unto the fiftein day of August nixt to cum quhairupon siclyk the said Androw tuik act & instrument

AL THOMSONE

Shref deput

## A Case of Lawborrows

(6 Octr 1631)

Compeirit Jon Leythe of Harthill and Patrick Leythe of Montgarrie and band & obleist tham hinc inde that they sall onnawayes trouble nor molest utheris in thair bodeis guidis nor geir directlie nor indirectlie uther wayes nor be ordour of law and justice bot sall keip his Maiesties



## Diet Books: Vol. X., Illustrative Examples

peace everie ane with ane uther and that under the pain of ane thousand merks ilk ane of tham and that at command & directione of the said Shreff principall [Forbes of Petsligo] seing appeirance of trubill

JOHNE LEITHE  
P LEITH

### Appointments and Admissions of Sheriffs, Court Officials and Members of Bar

#### I.

(1 Dec 1629)

The said day compeirit ane reverend father in God Patrick Bishop of Abd haueing in his hands ane Commissione direct to him fra the lords of his Maiesties Secret Counsell for receaveing of the aithe of Sir Alexr Irving Younger of Drum Knyt for the faithfull discharge of the office of Shrefship of Abd under the subscriptione of James Prymrous Clerk of his Maiesties Secret Counsell daited at Halyruidhous the auchtein day of September last bypast And siclyke haueing in his hands ane Commissione and gift of the said office of the Schirefship direct to the said Sir Alexander under his Maiesties gryt seil of the dait aboue wreittin Quha requierit the said Sir Alexr personallie present in judgement give he wauld accept the said office of Shreffship in and upoune him and give his aithe de fideli administratione thair of And the said Sir Alexander according to the directione of the said Commissione of our said Souerane Lord acceptit the said office in and upoune him according to the tenour and power of the said Commissione durence the spaice thairin contenit quhairupone the said reverend father tuik act of court and instrument

#### II.

(2 Dece 1629)

The said day the Shreff forsaid [Sir Alexr Irving] constitut and creat Johne Keythe of Glackreauche principall deput & Mr James Irving Mr Alexr Paip and Alexr Thomsone Aduocatis in Abd & Mr Wa Daidsons his Shreff deputis of the said Shrefdome coniunctlie & seuerallie ay and quhill they be lachfullie dischargit and the saidis Jon Keythe Mr James Irving Mr Alexr Paip and Alexr Thomsone being personalie present acceptit the said office of Shreff deputs in and upoune thame & gave thair aithis de fideli administratione

[Then follows what seems to be a corrective entry]

## Aberdeenshire Sheriff Court :

The said day the Shref forsaid constitut and creat Johne Keythe of Glackreauche principall Shreff deput of the Shrefdome of Abd and in his absence Mr Wa Davidstone Aduocat Mr Alex Paip and Alexr Thomesone Advocatis in Abd coniunctlie & seuerallie Shreff deputis of the said Shrefdome in absence of the said Jon Keythe principall deput and the saidis Johne Keythe Mr Alexr Paip and Alexr Thomesone being personalie present acceptit the said office in and upone tham and gave thair aithes de fideli administratione Siclyk the Shref forsaid constitut and creat Mr Wa Barclay Aduocat procuratour fiscall of the said Shrefdome in civill actiones and penall allanerlie and Maister Alexr Gardyne procuratour fiscall siclyke of the said Shrefdome in criminall & capitall actiones allanerlie qua being personalie present acceptit thair saidis offices in and upone thame gave thair aithes de fideli administratione quhairupone the saidis deputis and procuratour fiscalls foirsaidis respective tuik act of court and instrument

ALEXR IRWIN  
Schereff off Abd

### III.

At Auld Abirdein within the Bishopes palace thairin upone the first day of October 1<sup>m</sup> vic threttie and tua yeiris in presens of ane reverend father of God Patrick be the mercie of God bishope of Abirdein ane of the Lords of his Maiesties most honorabill Privy Counsell

Compeirit ane honorabill man Alexander Forbes of Pitsligo Sref principall of Abirdein nominat for the yeir to come and presentit to the said reverent father in God ane Commissioun writtin to the great seall with ane warrant direct frome the forsaid Lords of Privie Counsell under the signe and subscriptione of James Prymrois Clerk thairto for taking of the aithe of the said Alexr Forbes of Pitsligo for the faithfull discharge of the said office of Sreffschipe within the bounds of the Srefdome forsaid during the said space Conform to the quhilk warrant the said reverent father tuik the said Alexr Forbes of Pitsligo his solemne oathe for faithfull administratione and discharge of the said office of Schirefschip within the bounds of the Srefdome of Abirdein during the said space quha acceptit the said office in and upone him conforme to the warrant and commissioun granted thairanent of the dayt the fyft day of September last bypast in all poynts quhairupone the said Alexr Forbes of Pitsligo askit and tuik instruments

Pa Aberdene

## Diet Books: Vol. X., Illustrative Examples

### IV.

(2 Octr 1632)

The said day the Shref Principall forsaide [Forbes of Pitsligo] electit nominat and chuisit Alexr Forbes Yor of Boyndlie he being present to be Shref deput of the Shrefdome of Abirdein for the space of ane yeir and in absens of the said Alexr Forbes Yor electit nominat and chuisit Mr James Irwing Shref deputt of the samen Shrefdome aye and quhill he war lauchfullie dischargit be the said Shref Principall Lyk as the saids Alexr Forbes Yor and Mr James Irwing acceptit the said office in and upon them and gaiv thair aithes de fideli administratione in the said office And sicklyk electit and chuisit Mr Alexr Davidson Procuratour Fiscall for the said space of ane yeir nixt eftir the daite heirof quha also acceptit the said office and gaiv his aithe de fideli administratione

Petsligo

### V.

(7 August 1633)

The said day the Shreff principall forsaide [Cromby of Kemnay] electit nominat and chuisit Mr Wm Davidsons of Ord and Mr James Irwing Advocat in Abd coniunctlie and seuerallie to be Shref deputtis of the Shrefdome of Aberdein during the said Shreff principall his pleasur And the saids Mrs James & Wm being personallie present acceptit the said office in and upon them gaiv thair aithes de fideli administratione thairintill And sicklyke electit and chuisit Mr Alexr Davidson Advocat in Abd to be procuratour fiscall within the said Shrefdome during Lykas the said Mr Alexr being also present acceptit the said office in and upon him gaiv his aithe de fideli administratione thairintill

### VI.

#### Admission of Advocates in Aberdeen

(2 Octr 1633)

The quhillk day the Shref Principall forsaide [Cromby of Kemnay] causit call and conveyn befor him the persones particularlie following quha ar the ordinar advocates and procuratores of this judicatorie and hes bein in use to procur in all causes They ar to say Mr Alexr Irwing Mr Williame Barclay Mr Williame Lumsden Mr James Irwing Mr Alexander Davidson Mr George Andersone Mr Alexander Reid Mr Alexr Paip Mr Robert Reid Alexander Thomsone Mr Alexr Gardyn George Middiltoun Williame Cordoner John Hunter Mr Andrew Clerk

## Aberdeenshire Sheriff Court

and George Merseir Quhilkis persones being all personallie present and the Shreff understanding of thair abilitie honestie and judgement to continow as memberis ordinar advocates and procuratores of this seat The said Shreff be wertew of his office and authoritie Resaiwit and Admittit them and everie ane of them to that place and priviledge and causit them all to be solemlie sworne for thair dew obedience and reverence to the seat and for faithfull and trew useing and discharging of thair place and charge and for obseruing of sick guid and laudabill lawes actes statutes and ordinances as sould be sett down and prescrywit And farther the said Shref Declairit and Ordainit and expreslie dischargit all uther persones quhatsumewir of all libertie or priviledge to compeir or procurir befor the Shref or his deputtis at any tyme heireftir in quhatsumewir caus or to tak upon them to be advocates or procuratores except they be first lauchfullie admittit be the Shreff and his license and libertie purchessit giwin and grantit to that effect.



### The Decree Books: Vol. III., 1631-34

This is a very large volume of some 560 pages, and it is complete, except that a couple of leaves are wanting at the beginning. The leaves had been either at the time of writing or at some subsequent period numbered up to folio 228, but no farther. The first legible date is 9 November 1631, and the last 29 March 1634. Curiously, however, at the very end of the volume there is entered a Decree of 5 June 1629. How it came to be there must remain unexplained, but a place has been found for it at the beginning of the subjoined Table of Contents. The entries are, taken as a whole, of the same character as those in Vol. II. of the Decree Books, being a mixture of Decrees and Interlocutory procedure. The whole of the Decrees have been abstracted and a considerable number of the other entries have been noticed.

## Table of Contents of Vol. III. of Decree Books

1629.  
June 5.     **Removing.** Mr. Alexr. Reid, Advocate, and Robert Merser, Notary Public, both in Abd., as heritable proprietors of Dilspro and Milne and salmon fishing thereof *v.* Thomas Gordoune and others in Dilspro. Sasine dated 20 June, 1628. Notary Alexr. Garioche.
1631.  
Novr. 7.     **Decree. Various.** Robert Stewin in Tillielair *v.* George Cromar in Drumgask. The Defender having failed to appear to give his oath upon the Pursuer's petition was decerned in penam contumacie to pay and deliver £6 for half a boll beir bought in 1628, 26/8 for keeping Defender's guidis [*i.e.*, cattle], 32/6 for the teynd cheiss of Defender's yowes and cow the said year [1628], 20/- for a quarter of butter, 5 merks for a half boll prysit corn eaten by the Defender's nolt and sheip, 2 merks for 2 pounds of Teynd woll, 20/- for six pultrie and for ane yaird, &c., &c., with 20/- of expenses.
10.     **Decree of Removing.** Mr. Wm. Burnet, Minister at Kynnairnie, heritable proprietor of the lands *v.* Alexr. Nicol and others, tenants of Midmar, and Wm. Touche and others, tenants of Sunhennie, all in the parish of Midmar. Sasine 17 June, 1628. Notary James Cushnie.
23.     **Decree of Forthcoming.** Robert Forbes of Eight *v.* John Leyth, son of the late John Leith of Quhythauch, and Alexr. Lunkart, sometime in Newseatt of Buquharne, then in Lethintie. The Pursuer, who in 1629 had a claim against Lunkart of £10 for "casting up of Lonnings Medowes and Hainingis" and for the rent of Hillock of Buquharne crops 1628 and 1629, used an arrestment of the crop on Hillock on 21 August, 1629. On 5 Sept. following the other Defender Leith became cautioner for the loosing of the arrestment. On 7 March, 1631, Forbes obtained a decree against Lunkart for his original claim with 40/- of expenses. Finally at this Court there passed decree against Lunkart as debtor and Leith as cautioner for the amount due to Forbes.
30.     **Nature of Actions not disclosed.** Bessie Leask, widow of Mr. Thomas Molyson, as assignee of the late Barbara Mowatt *v.* Wm. Leask, younger, of that ilk. Action awakened.
- Mr. Thomas Gordon in Kethokismiln, as assignee of Patrick Sinklair and the late Katherine Gardyn, his wife *v.* Alexr. Donaldson, burgess of Abd. In absence of the Defender the case was admitted to the Pursuer's probation.
- Action of Forthcoming.** Alexr. George, younger, Messenger at the Miln of Cullairlie *v.* John Watsons and others in Crabstoun and John Gordon of Crabstoun for his interest.
- Action of Spuilzie.** Isobell Gordon, Lady Brux and John Forbes of Brux, for his interest *v.* James Ronald, younger, in Dubbishoill and James Grassich in Tulloskeuth.

## Decree Books: Vol. III., Contents

1631.

Decr. 7. **Decree of Removing.** Elizabeth Seton, Lady Abirzeldie, liferentrix of the lands *v.* Mr. Wm. Burnet, occupier of one half of the lands of Kynnairnie, Alexr. Crystie, occupier of the other half, Alexr. Coutes, occupier of the miln and miln croft thereof, Alexr. Donald, occupier of a croft there. Alexr. Gordon and others, occupiers of parts of Knok, John Archie, alias Jamesone, and others, occupiers of parts of Dalfour, Thomas Mackie, occupier of Lenmure, Mr. Alexr. Gordon and others, occupiers of Torsensillie, and Wm. Davidson and another occupiers of the croft of Stering. Two Sasines were produced, one of Kynnairnie, &c., dated 11 April, 1607. Notary Mr. Gilbert Ross. The other of Knok, &c., dated 18 Sept., 1626. Notary Mr. James Ferquharsone.

**Decree. Abstracted Maltures.** Mr. Wm. Davidsone of Ord *v.* Arthur Forbes in Boddomfauld and Alexr. and Wm. Ronaldsone in Quhytstain. Corns abstracted from the mill of Ord in the years 1628, 9 and 30. On 23 Novr. Alexr. Donaldsone was, on a reference to his oath, assoilzied, and at this Court Forbes was found liable, on his own admission, in the 17th peck of 8 bolls oats and one boll bear grown on Kynmundie abstracted from the mill, crop 1630, with 26/8 of expenses.

**Decree. Damages. Trespass by Cattle, &c.** Mr. George Leslie in Birsakismiln *v.* Andrew Forbes in Tartowie. The action is called in the original "Actione and caus of eattin and destroyed cornes and grass." The decree is of great length and impossible to summarize. Suffice it to say that the claim drew back as far as 1624, and all kinds of bestial, including swine, were involved. The rates payable for each animal trespassing was that fixed by Acts of Court of the Baronies of Skeyne and Kyntoir. The "Fears," also spelled "Feirs," of several of the years were referred to. Expenses £4.

21. **Action of Spuilzie.** John Symmer in Balbithan *v.* Wm. Symmer there.

Nature of Action not disclosed. Alexr. Irwing of Murthill *v.* Andrew Fraser, apparent of Midbeltie.

**Decree. Balance Price of Mare.** James Young in Moneght *v.* Alexr. Wight, younger in Garlogie. 46/8 being balance of the price of a mare with 13/4 of expenses.

**Decree. Malt.** Wm. Garvack in Quhytcorss *v.* John Patersone in Lentushe. £10 8/5d. with 26/8 of expenses.

**Decree. Damages. Burning Neighbour's Crop.** Paul Ray and Wm. Shand, sometime in Darrahill of Balhelvie *v.* Arthur Blakhall in Crabiedonald. The Defender, who was a neighbour of the Pursuer's, was found liable in the price of 6 firlots of bear and 8½ bolls of oats crop, 1629, "brunt be him in his default and sleuth being neighbour to the complenares in sa far as the defendar kendlit fyr in the moss quhairthrow the said skaith wes done to the persewar be the violence thairof." The expenses were £3. The values of the grain were fixed by the fiars prices.

## Aberdeenshire Sheriff Court :

1632.

Jany. 11. **Action of Spuilzie.** James Keyth, younger of Kynnadie *v.* Wm. Thomsone in Tirrievaill.

**Decree for Implement of Bond.** Alexr. Irwing of Quhytcarnes *v.* George Crafuird of Annachie as heir served to the late Hew Crafuird of Quhythill, his brother. The deceased had on 17 Novr., 1623, granted a Bond for delivery to the Pursuer of 32 bolls 2 pecks of sufficient oat meal at £10 per boll. The Bond and Service dated at Edinburgh, 28 Octr., 1629, were produced. Expenses 40/-.

18. **Nature of Actions not disclosed.** Gilbert Symsons in Fortrie *v.* Jean Coutes, Lady Arnadge and James Cheyn of Arnadge, her son.

25. **Mr. Wm. Lumsden, Advocat in Abd. v. Wm. Udney in Auchlown.**

27. **Action of Spuilzie.** Wm. Patersone in Clerkhill *v.* Gilbert Bodie at the Walk Miln of Deir and Andrew Tailzeor, Walker there.

**Decree of Supplement.** John Watt in Easter Carnie *v.* Wm. Thomsone in Tirrievaill, Christian Andersone there and Janet Smith there. The Pursuer had obtained decree against the Defenders for certain sums of borrowed money in a court of the Barony of Skeyn, held "within the Hall thair of" upon 17 May, 1631. To this decree the Sheriff interponed his authority in supplementum justitie.

Feby. 1. **Decree. Rent.** Patrick Gordoun in Ballogie as assignee of Margaret Gordoun, liferentrix of the lands of Durris-Beltie *v.* Andrew Fraser, lawful son of the late Alexr. Fraser of Durris-Beltie. The rent of Maynes of Durris-Beltie crop, 1630, was decerned for with 40/- of expenses. A horning against the Defender was produced which put him out of Court. On this Simon Fraser, lawful son of the said Margaret Gordoun, appeared and asked to be admitted for his interest, producing a tack and disposition granted by her to him of the rents libelled. He too was proved to be at the horn and so was not admitted to defend.

8. **Action of "Making of haill cornes."** James Young in Moneght *v.* Wm. Sherauld in Bankheid. The following Interlocutor was pronounced. "Repellit defensis proponit for the pairt of the said defendar and admittit the persewars petition to his probatione with consideratione to be haid at the sentence of defalcatione for making of haill cornes."

**Action of Forthcoming. Absolvitor.** George Scott, burgess of Abd. *v.* Alexr. Bruce in Carnehill, Isobell Urquhart, his wife, and Wm. Urquhart there for his interest. Scott held a decree of the Sheriff Court against Wm. Urquhart, dated 8 February, 1622. Following it up he arrested on 25 June, 1629, in the hands of Bruce, 20 bolls victual said to be due by him to Urquhart as rent of Carnehill. On a reference to Bruce's oath he denied having been due any victual to Urquhart at the date of the arrestment, upon which the Defenders were assolizied.

10. **Decree of Removing.** John Wod at the Miln of Fintrie *v.* Gilbert Steill in a croft of Milntoun of Fintrie. Sasine 22 December, 1595. Notary Mr. Wm. Reid.



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1632.

Feb'y. 10. **Action for Rents. Absolvitor.** Jean Carnegie, lawful daughter of the late Robert Carnegie of Wester Kincardyn *v.* Robert Ross in Kincardyn, Thomas Chapman there and Wm. Lay in Wester Kincardyn. Rents were claimed for crop 1630, the price to be according to the "Fear of the yeir." The Defenders' effects had been arrested in security. The Defenders, having produced acquittances for the rents claimed, under the hand of Robert Carnegie, the Pursuer's author, dated before the arrestments or intimation thereof, were assolizied. Sasine 25 June, 1627.

15. **Action of Spuilzie.** Andrew Craik, servitor to Sir Alexr. Irwing of Drum, knight *v.* Wm. Wobster in Fredahill. The defences were repelled and libel admitted to Pursuer's probation on 21 March.

**Decree. Rents.** Mr. Wm. Davidson of Ord, styled heritable proprietor of the lands *v.* John Watson, Alexr. Shirreff, James Thome and David Ronaldsone, all in Craibstoun, and James McKie at the Miln of Craibstoun. Sasine 16 April, 1628. Notary James Ross. Expenses 40/-.

**Decree of Removing.** Mr. James Sandielands, "Doctor of the Lawes and Commissar of Abd. and Cannonist of the Kingis Colledg of the Universitie of Ald Abd." *v.* Gilbert Sangster and Elspet Gray, his wife, "pretendit tennentes and occupiars of the said Canonist of the Kingis Colledg forsaied his manss houssis," &c., "lyand on the south syd of Poweis Brig within the Territories of the said Colledg parochines of Machar and Snaw and Shrefdome of Abd." The Instrument of the Institution and Admission of Dr. Sandielands was produced, dated 31 Jany., 1628. Notary Mr. Thomas Davidson.

17. **Action of Damages for Trespass.** James Keyth, younger, of Kynnadie *v.* Robert Forbes in Milnbowie.

22. Nature of Action not disclosed. Alexr. Gardyn, Fiar of Blakfuird *v.* John Bird in Creichnaleid, as principal, and Alexr. Sinklair in Creichnaleid and Thomas Thomson in Rothmeis, his cautioners.

**Action for Payment. Absolvitor.** Alexr. Irwing of Murthill *v.* Alexr. Findlay at the Miln of Newburgh. The Pursuer sought repetition of payment of certain bear alleged to have been delivered to the Defender to have been made into malt, but the Defender on a reference to his oath denied any indebtedness.

**Decree of Supplement. Rents.** Elizabeth Seton, Lady Abirzeldie, "conjunct Fiar and lyverentar" of Kynnairmie and Tilliedaff *v.* Mr. Wm. Burnet, Minister at Kynnairmie, Alexr. Coutes and others, the tenants. The decree gave effect to an Act of the Court of the lands held upon 6 Jany., 1632, in the house of Alexr. Donald, tenant of the Brew Croft, one of the Defenders. Expenses 40/-.

**Decree. Rent.** Wm. Forbes in Kynmundie *v.* Wm. Gordon, formerly in Breddiauch, then in Culter. Certain rents were claimed and a proportion decerned for, but the interesting part of the decree is the specification of what the Defender had to supply for the food and clothing of a herd during the period from Ruidday to Mertimes, 1630. Expenses £3.

## Aberdeenshire Sheriff Court :

1632.  
Feby. 22. **Decree. Rent.** John Calder of Migvie *v.* John Forbes, sometime in Migvie, then in Boigis, and Wm. Forbes, his son. The rent of Easter Migvie crops 1627, 1628 and 1629. Expenses £3.

28. **Action of Forthcoming.** Wm. Straquhan in Cairnie *v.* Andrew Meanie in Ediestoun and Gilbert Ker in Cragiedarg. An action of Spuilzie at the instance of Ker *v.* Straquhan was called on 14 March.

**Decree. Forthcoming.** John Forbes, "servitor to anc Reverend Father in God Patrick be the mercie of God, Bishop of Abd." *v.* John Kennedy of Carmuckis and George Gardyn of Hoipishill and Isobell Stewart, his wife, for their interest. George Gardyn, as one of the cautioners for Mr. Robert Gardyn, burges of Abd., had been due to Isobel Forbes, liferentrix of Blairtoun and Duncan Wilson there, her second husband, 480 merks *pro tanto* for the rents of Blairtoun in the years 1625-6-7. By assignation, dated 21 December, 1627, the Pursuer acquired right to this claim, and on 3 Feby., 1628, used arrestment to the extent of 500 merks in the hands of Kennedy. Decree of Forthcoming was now pronounced for this sum.

Mar. 2. **Nature of Action not disclosed.** Alexr. Erskine of Petskurrie *v.* Mr. Wm. Forbes, lawful son of Wm. Forbes of Barnes.

**Decree. Rent, &c.** Mr. John Logy, Parsone of Rathven *v.* John Grant, sometime in Ovir Boddom. Grant had got from John Beltie in Ovir Boddom certain victual for the rent of a plough of Over Boddom crop 1629 on his promise to pay it to Mr. Logy. He was also due 4 merks "for carieing transporting and trailing of anc Miln-stain and building of the Miln of Boddom." The Defender was found liable with £4 of expenses.

**Decree of Supplement. Blood-drawing.** George Middiltoun, Procurator Fiscall within the bounds of the Bishoprick of Abd. *v.* Robert Murray, Cowper, burges of Abd. Authority was interponed to an Act of a Court of the Bishoprick held within the consistorie place thereof on 16 Decr., 1631, whereby Murray was fined by Mr. Alexr. Gardyn, Bailzie of the Bishoprick, £40 for his contumacy in not appearing to answer to a charge of assault committed within the bounds of the Bishoprick.

9. **Nature of Actions not disclosed.** Mr. Alexr. Irwing, Advocate, and Janet Fraser, his wife *v.* Robert Middiltoun of Caddum and Katherine Straquhan, his wife.

14. John Chalmer, lawful son of Arthur Chalmer, burges of Abd. *v.* George Mathiesone in Craighorthie.

**Decree of Removing.** Gilbert Meinzie of Petfodellis *v.* Wm. Howatt, tenant of the town and lands of Petfodellis. Sasine 8 August, 1623. Notary the late Mr. Wm. Anderson, Sheriff Clerk.

21. **Nature of Action not disclosed.** John Gordon of Petlurg *v.* Gilbert Bodie in Waik Miln of Deir.

**Action of Ejection.** Wm. Fraser, burges of Kintoir *v.* Robert Forbes in Rogershill.

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1632.

Mar. 22. **Decree. Abstracted Multure.** Thomas Gordon of Dilspro, as proprietor of the knaveships and multure of Denstoun and Corthiebeck *v.* Andrew Hunter of Grandome. Sasine 20 April, 1620. The charge was of abstracting the multure and knaveships from Mill of Dilspro in 1628, 1629 and 1630.

28. **Action of Transferring.** John Hay of Crimonmowget, executor confirmed to Wm. Hay of Crimonmowget, his father *v.* Andrew Craik in Blairmormont.

Nature of Action not disclosed. Jean Coutes, widow of Mr. John Cheyn of Arnadge *v.* John Merse in Blairlasie. Defences repelled. Eik referred to Pursuer's oath.

**Action of Registration.** Wm. Seton of Schiethin, as assignee of John Fraser in Glak *v.* Alexr. Fraser, eldest son and apparent heir of Alexr. Fraser of Technuirie and John Fraser of Newburghe, his Tutor.

**Action of Spuilzie.** Alexr. Leslie in Elrick, as assignee of Andrew Thomsone in Govill *v.* Alexr. Watsone in Glen of Dyce.

**Decree. Rent.** Mr. Wm. Davidsone of Ord as heritable proprietor of the subjects *v.* Wm. Abircrombie in Milntoun of Durno. Sasine 20 June, 1618. Notary Mr. Gilbert Ross. Expenses £3.

**Decree. Price of Meal.** Robert Irwing of Moncoffer *v.* James Arbuthnot in Kinmundie. 3 bolls 3 firlots of meal sold and delivered at £6 per boll. Expenses 33/4.

**Decree. Rent.** Francis Fraser of Kynmundie *v.* James Fraser in Thundertoun. 12 oxengait of Thundertoun. The "fearis sett down in this audiorie" were referred to as settling the money values of the rents payable in grain or victual. Expenses £3.

**Decree against Debtors of a Suicide.** Wm. Myntie in Draksmyres, assignee to the escheat of the late Wm. Craig in Craigstoun *v.* Archibald Mortimer in Fintrie, John Urquhart in Milnseatt, James Craig in Cotburne, Wm. Urquhart in Lumfird, Wm. Pirie in Gorrochie, James Robertsons in Clochorbie, John Reid in Bothangie, Wm. Murdo in Milnknowes, Thomas Pyper in Bomaidd and Gilbert Williamsone in Abd. The Pursuer's title was set forth in the instance of the summons thus "Assigney maid and constitute be Alexr. Forbes younger of Buthlaw our deputt in and to the haill guidis geir and moveabill escheit quhilks perteinitt sumtyme to umqll Williame Craig in Craigstoun within the parochin of Kynnedvart and Shrefdome of Abd. as becum in our hands and hands of our said deputt as escheat and casualitie of the office of Shrefschip throw the death of the said umqll Williame Craig quha in the moneth of Januar last pat violent handes and stranglit himself to the death and thairby hes guid richt to the guidis geir and debtes perteinand to the defunct the tyme of his said deceis as donator maid theirto be our said deputt and as sauld and disponsit to the said William Myntie for himself and in name and behalf of Violet Patersone relict of the said umqll Williame." Of the Defenders who wers said to be debtors of the deceased Gilbert Williamsone was assolizied on 21 March. Of 50 merks claimed from Wm. Urquhart he admitted 29 merks. The other Defenders did not appear and were ordained to pay the sums claimed from them.

## Aberdeenshire Sheriff Court :

1632.

Mar. 28. **Decree of Liquidation.** Patrick Gordon in Ballogie *v.* Andrew Fraser [*supra* p. 348]. Decree passed on 1 Feby. for 20 bolls bear and 28 bolls meill “rin mett guid and sufficient stuff” of crop 1630. The money payable was fixed by this decree after an examination of witnesses, but the decree bears that the Pursuer had protested for the “hiest pryces of the samen in this Auditorie.”

April 11. **Decree. Shoemaker's Account, &c.** Nicol Ross, Cordoner in Abd. *v.* James Gordon in Bogaartie and Margaret Wilson, widow of James Ross in Balbes and John Gordon there, her husband. The first Defender was due 7 merks 8d. for “buitts and shoon” and the second 20 merks borrowed. Expenses 40/- to be paid equally by both Defenders.

**Decree. Arrears of Interest, &c. Marriage Contract.** James Alshioner, Merchand, burgess of Abd., as executor confirmed to John Alshioner, sometime in Waikmiln of Drum, his father *v.* John Herwie in Kyntoir. The deceased John Alshioner had in 1613 married Margaret Leslie, who was Herwie's mother. By Marriage Contract dated 13 Novr. of that year the Defender, as principal, and Gilbert Touche in Craiggearne, as cautioner, became bound to pay to the husband before Whitsunday, 1614, 200 merks as dot and tocher with his wife. This they had failed to do. In the second place Margaret Leslie was entitled—having sasine thereof—to the liferent of four roods of land with buildings thereon, situated in the Burgh of Kyntoir, which the Defender had been occupying without paying rent. The deceased John Alshioner had raised an action against the Defender for 20 merks per annum of interest and £20 per annum of rent for the years from 1614 to 1629 inclusive, but had died after litis-contestation, but before decree. The action had been transferred by Decree of Transferring to his son and executor, who now got decree under certain deductions, with £4 of expenses.

18. **Decree of Registration.** George Gordon of Newtown, as executor confirmed to John Gordon, his brother german *v.* Mr. James Spence, as heir served to Wm. Spence at the Miln of Williamstoun, her father. On 4 April, 1625, William Spence, having borrowed 250 merks from “ane honourabill woman Issobel Forbes Lady of Williamstoun” for behoof of John Gordon, her second lawful son, granted a Bond in favor of the said John Gordon, his heirs, executors and assignees containing a clause of registration with consent to execution upon six days' charge. By this decree the Sheriff ordained the Bond to be registered for execution against the Defender to the same effect as if he had been the original debtor.

May 11. **Decree. Meal Sold.** Mr. Wm. Davidsone of Ord *v.* John Findlay in Brotherfeild and David Hervie in Murthill, his cautioner, John Smith in Brotherfeild, Wm. Kilgour in Baddes and Robert Findlay there, his cautioner, Andrew Rany in Kennertie and Gilbert Hall in Craigtoun, his cautioner, Katherine Brain in Craigtoun and the said Gilbert Hall, her cautioner. The Defenders were found liable to pay at the rate of 10 merks per boll for small quantities of meal purchased from Mr. Davidson in July preceding, payable at “Midlentren,” 1633. The expenses were 10/- each Defender. This Court was held be virtue of a dispensation “cum tempore feriatu” [vacation] as were all the Courts held in April and May of this year.



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1632.

May 11. Nature of Actions not disclosed. James Keyth, elder, of Kynnadie *v.* Alexr. Smith, sometime in Kynnadie, then in Bandach.

23. Andrew Dassie in Drumnagar *v.* John Jaffray in West Fintrie.

John Findlay in Pyktilhame *v.* Andrew Anderson in Elrick.

29. **Decree of Removing.** John Urquhart of Craig Fintrie *v.* James Watt in Ouir Bothangie in the parish of Turreff. Sasine 10 Octr., 1617. Notary Mr. Wm. Davidsons.

30. **Decree of Removing.** George Chalmer of Olquhat *v.* Charles Massie in Easter-toun of Oldquhat in the parish of Auchreddie. Sasine 20 Octr., 1623. Notary Mr. Patrick Chalmer.

June 1. Nature of Action not disclosed. Thomas Chalmer, lawful son and assignee of Alexr. Chalmer, "lait Dean of Gild of Abd." *v.* Andrew Phynnie, Skipper in Peterheid, Alexr. Jonston, Glasin wricht in Abd. and George Norune in Rumsdel in Norroway, none of whom appeared.

**Decree of Removing.** Patrick Con of Artrochie *v.* James Maxuel and Antonie Murray in Meikill Artrochie in the parish of Logybuchan. Sasine dated 22 Novr., 1616. Notary David Robertson.

Nature of Actions not disclosed. James Robertson, burgess of Abd. *v.* Alexr. Blak, Maltman, burgess of Abd. There was a diet of proof on June 27.

Andrew Castell in Carnegie *v.* David Dickie in Elrick.

Wm. Jamesone in Baidis *v.* Walter Pirie at the Miln of Meadopill.

**Decree. Merchant's Accounts.** Robert Paip, burgess of Abd., as assignee of Robert Corser, burgess there *v.* Alexr. Spence, Merchand in Insche, James Mongall there and John Cruikschank, sometime there, then at the Chappell of Gareoch. Spence was ordained to pay £64 5/8, Mongall £18 17/- and Cruikschank £86 10/5 with 40/- of expenses each.

8. **Decree of Removing.** The Marquis of Huntlie *v.* James Gordon of Newseatt, who occupied 16 oxengait of the "east syd of Scordarg," Hew Gordon of Smithstoun, who occupied a plough of Smithstoun, &c., Alexr. Gordon in Mortlack, who occupied Mortlack, and Patrick Gordon in Carnequholp, who occupied two ploughs of Carnequholp, all in the Lordship of Huntlie. Sasine 9 April, 1582. Notaries Wm. Bruce and Mr. John Garnettullie.

**Decree of Removing.** Alexr. Forbes of Boyndlie *v.* George Hay, Thomas Hendersons, John Mitchel and George Layng, all occupiers of Baithlie and outmuir of Torterstoun, alias Lanchill. Sasine 7 June, 1627. Notary Mr. Thomas Davidson.

13. **Action of Removing.** Thomas Erskine of Balhaggartie *v.* Patrick Watson in Auchlewin, occupier of a croft thereof. Sasine 10 July, 1629. Notary Lancelot Leslie.

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1632.

- June 13. Nature of Action not disclosed. Patrick Meinzie, burgess of Abd. *v.* Gilbert Jonstoun in Enrurie.

**Action of Spuilzie.** Mr. John Cheyn, Parson of Kinkaill *v.* Patrick Leslie, burgess and merchand in Kyntoir. This action was first called on 21 Decr. preceding. An interlocutor was pronounced by which the Sheriff depute "referrit the objections *contra producta* to the discus of proces."

**Decree of Removing.** Alexr. Forbes of Pitsligoe *v.* John Forbes in Boig and a number of other tenants there and in Melgome, Waikmilne, Barhillok, Coldstain, Knoksowl, Poltalon, Boigstoun, Badnagauch all in the parish of Coldstain. Sasine dated 7, 9 and 11 March, 1629. Notary Alexr. Thomsone.

20. Nature of Action not disclosed. Wm. Ross in Endego *v.* John Wadel in .

**Action of Intrusion.** Meatie Fidler, widow of George Blak in Belliscamphie and wife of John Sym in Artrochie *v.* Wm. Leask, younger, of that Ilk.

**Action of Removing.** Erskein *v.* Watson. [*Supra* 13 June.] Letters of horn-ing against Watson were sustained and he was held debarred from defending. James Milne in and Margaret Watson, his wife, were admitted to defend in respect of the production by them of an assignation by Patrick Watson to them of the lease by Wm. Forbes of Barnes in his favor.

**Decree of Removing.** Mr. Robert Ferquhar, burgess of Abd. *v.* John Gordon in Litle Wranghame and a number of other tenants of Meikill and Litle Wranghame, Gardynsmiln and others in the parish of Culsalmond. Sasine dated 29 Novr. 1631. Notary John Chalmer.

**Decree of Removing.** Mr. Robert Merser, "Minister of Godis Word at the Kirk of Ellon, having richt be presentatione Institutione collatione and letteris raisit thairon in and to the personadge of Ellon Manss and Gleib thairof" *v.* John Hairie-garrie, occupier of a tenement "lyand on the west syd of the said Manss and Gleib." After the instance and nature of the action is set forth, the writer put down his pen leaving a blank page, on the margin of which he wrote by way of explanation "the pairties agried and wald not pey for this decret."

27. **Action of Supplement.** Alexr. Lyon of Muiresk *v.* George Miln in Ryloche.

**Decree of Removing.** Janet Forbes, liferentrix of the lands of Cultis, and Thomas Esplin there, her husband *v.* James Reid, occupier of a quarter of the lands of Cultis. Sasine 14 May, 1602. Notary Mr. Arthur Andersone.

29. Nature of Action not disclosed. Mr. Hendrie Ross, Parson of Rynie, assignee of Wm. Layng in Barflet, and Margaret Gib, his wife *v.* Patrick Gordon of Kirkhill and Robert Gordon in Perselew of Clatt.

**Action of Removing.** Jean Howieson, wife of James Willax, Wright, burgess of Abd., taksoman of the Miln of Haltoun *v.* John Copland at the Miln of Haltoun, Gilbert Gammack, Pickieman there, and John Meldrum of Haltoun. The Pursuer produced a liferent Tak from the late Alexr. Howieson, together with his Charter and Sasine indorsed thereon.

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1632.

June 29. **Decree of Removing.** Janet Gordon, widow of Mr. Thomas Meinzie of Balgonie, as liferentrix of the lands *v.* Gilbert Still, occupier of 8 oxengait of Murcor, which formed part of the lands and barony of Balgonie. Sasine 25 May, 1629. Notary Mr. Wm. Lumsden.

July 4. Nature of Actions not disclosed. Sir Alexr. Cuming of Culter *v.* George Strauchin, sometime in Pittingullies, then in Kennertie.

Duncan Brown in Boddomes *v.* Robert Symmer in Torreleyth.

**Action of Removing.** Helen Forbes, widow of Mr. James Elphinstoun of Barnes *v.* James Forbes in Culquheich.

**Action of Removing.** John Gordon of Pitlurg *v.* John Sinklair in a croft called Calseyfuir.

Nature of Action not disclosed. John Gordon of Pitlurg *v.* Gilbert Bodie in Quartailhous. This case was awakened on 19 Decr.

**Action of Damages. Breaking the Leg of an Ox. Absolvitor.** John Chalmer in Perslie *v.* Wm. Knowes at the Miln of Gràndonie. The Pursuer sued the Defender for £20 "for felling of ane ox & bracking of his leg perteining to the said persewar be the space of twentie dayes bygane being the said persewars best ox." On reference being made to the Defender's oath he denied the Pursuer's statement and was assolizied.

6. Nature of Action not disclosed. Patrick Jack, Litster, burgess of Abd. *v.* Sir Wm. Forbes of Cragievar, who did not appear but was reponed on 18 July.

**Decree for Rent.** Mr. John Clerk, heritable proprietor of Condland *v.* Wm. Davidson, occupier of a plough of Condland crop and year 1631. The Defender having been cited to give his oath with certification and not appearing, decree passed against him in penam contumacie or, in modern language, by default.

12. Nature of Actions not disclosed. Wm. Gordon of Sauchin *v.* Robert Middiltoun and Thomas Meldrum, sometime in Litle Sauchin, now in Tilliebir.

13. Wm. Leask, younger, of that Ilk *v.* John Sym in Litle Artrochie.

**Decree. Price of Grazing.** Thomas Elmslie in Grodie *v.* John Allanach in Delmuickie. Decree passed against the Defender in absence for £4 for "girsing of sex heid of nolt to the said John within the Forrest of Etrichie" with 30/- of expenses.

18. **Action for Destroying Trees. Absolvitor.** Wm. Seton of Meldrum *v.* George Mathieson in Craigforthie. By the Pursuer's petition the Defender was asked to pay "twentie shilling for the pryce of ilk trie of sex scoir tries destroyed and cutted be the defendar in the persewars boigis of Hedderweik & Balbithan yeirlie the yeiris of God 1<sup>m</sup> vi<sup>c</sup> threttie & 1<sup>m</sup> vi<sup>c</sup> threttie ane yeiris at dyveris tymes with ten pundis for the first tyme and twentie pundis for the second & suae furth toties quoties." The charge being denied in toto by the Defender on a reference to his oath he was assolizied.

## Aberdeenshire Sheriff Court :

1632.

July 18.

**Decree of Registration.** John Leyth, lawful son and heir served to George Leyth in Drumnagowan, his father, and John Leyth in Maines of Leslie, his tutor *v.* Wm. Leslie of Ryhill, Normond Leslie of Laichmuir and Wm. Leslie at the Miln of Inche, as cautioners and full debtors for and with Sir John Leslie of Wardes, knight, baronet. This was a decree for the registration in favor of the Pursuer and his tutor of a Bond for 1000 merks granted in 1623 by Sir John Leslie (then John Leslie) and his cautioners, to the Pursuer's father and his mother Janet Layng. The service of the Pursuer and the tutor's Gift of Tutorry were produced but the dates were not mentioned in the decree.

**Decree. Merchant's Account.** James Smith, Merchand, burgess of Abd. *v.* John Cruikshank at the Cheppel of Gareoch. The Defender did not appear. An account book containing a subscribed account was produced for the Pursuer and decree passed for £22 18/- with 40/- of expenses.

20. **Action of Spuilzie.** Robert Mackie at the Miln of Watertoun *v.* Wm. Innes of Tippetie and George Leslie in Ochterellon. Appearance for the Defenders was withdrawn.

Nature of Action not disclosed. John Smith in Dammes *v.* John Calder, younger, now in Abd.

**Decree of Exhibition.** Alexr. Blak, younger, in Pitmuckstoun *v.* James Robertstone, younger, burgess of Abd. According to the statement in the summons the parties had entered into a mutual contract in 1632, whereby Robertstone sold to Blak his whole crop of bear and oats in his corn yard at Cultis at four merks per boll overhead. The grain was to be delivered "cassin be pruiiff scheaf." The Pursuer further averred that the Defender would not give up the contract and craved exhibition thereof in order that it might be registered and put to execution in terms of the clause therein to the effect. There being no appearance for the Defender, decree was pronounced accordingly.

**Decree of Removing.** John Forbes of Leslie, as heritable proprietor of the lands *v.* (1) John Leslie in New Flinderis and other tenants in New and Old Flinderis, Rothmurriell, Wantounwallis, Breistwallis and Auchlyn, among whom may be specially mentioned John Gordon in Breistwallis, second lawful son of George Gordon of Terpersie, the said George Gordon of Terpersie and Wm. Gordon, his eldest lawful son. All these Defenders were sought to be removed from the lands of Duncanstoun, and specially from the parts called the "Grein Myr Inches & Blakmoissis of Duncanstoun." (2) John Adiel and George Andersone in Auchnagathill and John Reid in Bruinie. Sasine of the Duncanstoun lands dated 29 Octr., 1630. Notary Wm. Symson. Sasine of Bruinie 7 May, 1625. Notary James Andersone. Sasine of Auchnagathill 2 May, 1625. Notary Mr. George Innes.

25. **Action for Rent.** George Meinzie, burgess of Abd. *v.* Andrew Hunter, sometime of Grandhome, Elspet Gordon, his wife, and Duncan Davidsone in Denstoun.



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1632.

July 25. **Action of Spuilzie.** Patrick Gordon in New Leslie *v.* Wm. Andersone in Curterstoun.

**Action of Supplement.** John Anderson in Chapelton *v.* Andrew Charlis in Piriesmiln.

Nature of Action not disclosed. Wm. Gray, burgess of Edinburgh *v.* Ewmond Graden in Kinloch.

**Action of Removing.** Margaret Skeyn and John Forbes of Leslie, her husband *v.* Archibald Mair in Hoimes and Wm. Laird in Meikill Gownie.

**Decree. Forthcoming.** Alexr. Skeyn of that Ilk *v.* James Wattie in Auchtererne, George Duckiesone there, George Andersone in Tulloch, James Sualbie at the Blakmiln, Wm. Wattie there, John La in Berwie, Gilbert Kar at the Miln of Craigiedarg, Robert Forbes in Rogershill and Alexr. Skeyn, portioner of Auchtererne, for his interest. Decree passed against James and Wm. Wattie, La and Kar in terms of their admissions. The other Defenders did not appear.

**Decree. Rent.** Patrick Hay in Hilheid of Pittindrum *v.* George Mitchel in Pittoulie, who did not appear. The Defender had occupied a croft in Pittindrum, crops 1629-30 and 31. Expenses of process 40/-.

**Decree. Price of a Horse.** James Findlay in Pittoulie *v.* Alexr. Muiresone in Torrietuthill. £20 for price of a horse sold and delivered. Expenses 40/-.

**Decree of Supplement. Rent.** Wm. Seton of Meldrum *v.* Andrew Muiresone at the Miln of Kinguidie. Decree had passed against the Defender on his own confession in a Court of the Barony of Meldrum on 4 April preceding, but he had removed from the Barony, hence the necessity for this decree in supplementum justiciæ.

**Decree. Grassum, &c.** Normond Arbuthnot, burgess of Abd., as assignee of Wm. Forbes in Kynmundie *v.* Arthur Forbes in Boddomfauld. It would appear that according to the terms of a Decree Arbitral dated 1 May, 1629, the Defender had to pay to Wm. Forbes 50 merks for his "guidwill entrie and grassum of ane yeiris tak of the sun half lands of Kynmundie." Wm. Forbes had assigned this claim and a number of others for crop eaten by the Defender's bestial herding, &c., to Arbuthnot. The decree is a long one and one of the earliest in which the course of pleading is fully rehearsed. The word "shewring" occurs twice, meaning apparently the severing dividing or separating the horses and cattle of one party from those of the other. Expenses £3.

27. **Action of Spuilzie.** George Watt in Cardrum *v.* Thomas Donald in Ardconnan and Mr. Wm. Seton of Thorntoun. Donald did not appear.

**Action of Spuilzie.** George Hay of Auquharnie *v.* Alexr. Knox in Touxhill, George Ross there, Gilbert Low there, George Cantlie in Cloffrick and Robert Low at the Kirk of Deir.

## Aberdeenshire Sheriff Court :

1632.  
 July 27.     **Decree. Trespass or Pasturing of Cattle, &c.** John Lamb, sometime in Boddom, then in Ranieshill *v.* David Cuming in Boddomes. The claim extended over the years from 1622 to 1630 inclusive. Foals and calves were chiefly claimed for, and it was stated that by the custom of the country "ilk foill peyis tua bollis aittis and ilk calf ane boll" yearly. In the result one boll was allowed yearly for the "skaith of ane foill quhillk pasturit and geid throw the persewares cornis" and the other demands were largely reduced. The prices of grain were according to the "fearis of the saidis yeiris."
31.     **Decree. Forthcoming.** Robert Forbes in Tillieoch, as assignee of Gilbert Cowtis, lawful son of the late Laurence Cowtis in Easter Cullairlie *v.* Alexr. Irwing in Cullairlie and John Irwing, sometime in Baides, then in Cullairlie, for his interest. John Irwing, the real debtor, had borrowed from Gilbert Cowtis 50 merks in November, 1618, and granted bond therefor. Cowtis, having assigned this bond to Forbes by assignation dated 10 January, 1621, the latter caused it to be recorded on 13 Sept., 1623, and then proceeded to use legal diligence for recovery of the loan. In especial he arrested certain stocking and crop belonging to John Irwing, intimation of arrestment having been made to Alexr. Irwing also. The latter, notwithstanding the arrestment, having taken possession of and intromitted with the subjects of arrestment was brought into Court, and by this decree found liable to the creditor for them or their value. Drawing oxen were priced at £20 each and horses at £20 each. To the original bond one of the witnesses was James Irving, "brother german to the said John Irving, sone lauchfull to Robert Irving of Glassill."
- Decree of Registration.** Wm. Seton of Shiethin, as assignee of John Fraser in Glak *v.* Alexr. Fraser, eldest lawful son and heir of the late Alexr. Fraser, sometime of Techmuir and John Fraser of Newburgh, his father's brother and Tutor, for his interest. The debt of 1000 merks for which the Pursuer sought to make the Defender liable, was constituted by a bond granted by the deceased in 1626 and assigned by the original creditor to Seton in November, 1627. Alexr. Straquhan of Glenkyndie and Patrick Straquhan in Kynnadie were cautioners in the bond, and among the witnesses were Mr. Alexr. Davidstone, Advocate in Abd., and Mr. George Seton, brother to Wm. Seton of Schiethin. The place of payment of the bond was the dwelling-house of Henry Forbes, burghess of Abd. It was pleaded that the debt had been paid to the late Janet Seton, wife of Alexr. Fraser of Techmuir, and sometime Tutrix to the Minor, and that defence was found relevant, but the Sheriff depute found that the Defenders had "failziet and succumbit in proveing of the samen."
- Augt. 22.     Nature of Action not disclosed. Sir Thomas Urquhart of Cromertie, knight *v.* Wm. Meldrum, sometime in Straquharie, then in Fouslie, and Peter Meldrum, his son. This and the following courts in August were held in virtue of Letters of Dispensation.
25.     **Action of Transferring.** Patrick Leyth of Mongarrie *v.* John Leyth, son and heir of John Leyth of Harthill. The Defender did not appear and the Pursuer was allowed a proof of the libel.

## Decree Books : Vol. III., Contents

1632.  
Augt. 25. **Decree. Rents, &c.** Mr. David Andersone, heretor of the lands of Finzeach and Abircattie and Alexr. Stewart, burgess of Abd., his Tutor "hy reason of his furiositie" *v.* Patrick Calder, sometime in Abircatie, then in Aslown. Among the items for which decree passed against Calder was 27 merks for the "careadge of his ferme extending to tuentie sex bollis to Abirdein." Expenses 40/-.
29. **Decree. Messenger's Account.** Alexr. Watsone, Messenger in Abd. *v.* Alexr. Grig in Auchmacher. The fee was "thrie firlottis tuyse scheillit meill" at £4 per boll, according to the feir of the year with 24/- of expenses.

**Decree. Sum in Bond.** Mr. Andrew Logie, Parson of Raine, as assignee of James Andersone in Cockmuir of Lentusche *v.* John Leith, eldest lawful son and heir of the late Mr. Wm. Leyth of Newlands, Patrick Leyth of Kirktoon of Rain, his Tutor, for his interest and James Watsone in Ardoyn, sister's son and heir, served to John Abercrombie, sometime in Auld Rain. The deceased Mr. Wm. Leyth and John Abercrombie, as principal and cautioner respectively, granted bond for 1000 merks to Andersone in 1621 which the latter assigned to Mr. Logie in 1631.

- Octr. 3. **Decree of Registration.** Wm. Collie, son and heir served to Robert Collie in Dillfro *v.* Robert Skeyn of Tilliebirlach, as principal, and Alexr. Skeyn of that Ilk and Wm. Forbes, son of the late Wm. Forbes of Pittelachie, as cautioners in a Bond for 500 merks, dated 6 June, 1620. A witness to the signing of the Bond was one John Beg, "Violar."

- Novr. 1. **Action for Heirship Moveables.** Mr. Wm. Forbes, lawful son of Wm. Forbes of Tolquhon *v.* James Reithe in Tarves, Mr. Thomas Gardyn, "Minister of Godis word" there, Violet Layng, his wife, Janet Reithe in Boighous of Tolquhon, James Shand, her husband, for his interest, Robert Mitchel in Kilmortoun, Isobell Birnie, his wife, Robert Johnstoun in Udnie, Helen Murray, his wife, Gilbert Johnstoun in Drumbrek and Barbara Birnie, his wife. The name of the deceased owner of the heirship moveables was not mentioned in the entry, but the deceased Wm. Craig, sometime "Rothiesay Herald" in Tarves must have had right, because they passed from him to his heir, Mr. Alexr. Randell, preacher of "Godis word at Ispiswitche," from him by Assignment to Walter Forbes of Thainstoun and from him by Disposition and Translation to his brother, Mr. Wm. Forbes, the Pursuer.

2. **Action of Accounting. Absolvitor.** Alexander, Lord Elphinstoun, liferenter of the lands of Warthill *v.* Robert Reid at the Miln of Warthill. The Pursuer alleged that the Defender had received and had not accounted for, the rents of the lands of Warthill according to a specification in the summons for the years 1620 to 1631 inclusive. The Defender, however, produced a discharge by Thomas Espline, the Pursuer's chamberlain, and was assolied. There was no finding as to expenses.

7. **Nature of Actions not disclosed.** John Cheyn, Bailzie in Abd. *v.* James Murray, servitor to Walter Cruickschank, Cordoner there, the said Walter Cruickschank, James Skeddoway at Powiesbrig, and David Abel in Auld Abd.

Gilbert Jonstoun, alias Muck, in Kynmundie *v.* James Herwie in Waird of Kynmundie and Henry Herwie there *et e contra*.

## Aberdeenshire Sheriff Court :

1632.

Novr. 9.      **Action of Spuilzie.** Alexr. Og in Migvie *v.* Wm. Og in Pettintagart.

16.      **Action of Removing.** Sir George Jonstoun of that Ilk *v.* George Leslie in Rothmaze, burgess and bailzie of Inrurie, and John Thomson and James Mackie, burgessess there, occupiers of the Stanneris of Inveruirie, part and pertinent of the Daauch lands of Enrurie belonging to the Pursuer.

**Decree of Supplement. Rents.** Adam Abercrombie of Auld Raine *v.* James Gordon, sometime in Auld Rain, then in Doighillock. This was a decree in supplement of an Act of Court of the lands of Auld Rain "haldin within the duelling hous of Androw Cassie thair" on 12 August, 1630. The necessity for this decree is thus set forth : "the said defender hes removet himself af of the persewares lands quhairbe the said act hes not authoritie to poind."

23.      Nature of Action not disclosed. Wm. Leslie of Ryhill *v.* Margaret Forbes, widow of Patrick Leslie of Duncanstoun, Oliver Gordon, her husband, and George Gordon of Terpersie. This action was wakened on 29 Novr., 1633.

27.      **Action of Removing.** John Forbes of Balnagask and Mr. James Forbes of Hauchtoun, as heritable proprietors of Polfluig *v.* Alexander Maister of Forbes, Dame Elizabeth Forbes, his wife, and others. The subjects named were Maines and Maner Place of Polfluig, Fermtoun of Polfluig, Cardes Croft, yards, orchards and croft thereof, and toun and lands of Badevin. Date of Sasine not given. According to a signed receipt on the margin the process and productions were borrowed by the Pursuer's Procurator on 2 Jany., 1633.

- Decr. 5.      **Action of Removing.** Thomas Davidstone, heritable proprietor of Ardgethin (elsewhere styled of Bredhauch) *v.* John Kar, occupier of 8 oxengait of Graystain of Ardgethin. Date of Sasine not given.

**Action of Breach of Arrestment.** Mr. Alexr. Davidstone, his Grace's Procurator Fiscal and the said Thomas Davidstone (here styled sometime in Bredhauch) *v.* the said John Kar.

Nature of Action not disclosed. John Gordon of Crabstoun *v.* Wm. Clerk in Kingiswallis and Andrew Hendersone in Langkarne.

**Action for Rent.** Robert Skeyn of Tilliebirnach, burgess of Abd. *v.* Janet Forbes in Sheil, widow of John Fowllar in Ardfork.

**Decree. Sum in Bond.** Wm. Cordonier, Notary Public, burgess of Abd. *v.* George Craford of Annochie, brother german and heir to Hew Craford of Quhythill. The deceased Hew Craford borrowed from the Pursuer 100 merks conform to Obligation produced dated                  June, 1623, and registered in the Sheriff Court Books on 30 Sept., 1625, extract whereof and of the Defender's service as heir to his brother were produced.

7.      Nature of Action not disclosed. Robert Reid at the Milne of Warthill *v.* John, James, Wm. and Alexr. Morgin, all in Waster Clova.



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<sup>1632.</sup>  
Decr. 7. Nature of Action not disclosed. George Jonstoun of Craig *v.* John Jonstoun in Boginjoss.

12. **Action of Spuilzie.** Mr. Wm. Lumsden, Advocate in Abd. *v.* Isobel Dyce, widow of John Shiphird in Strypes and John and Wm. Shiphird, her sons.

Nature of Action not disclosed. Andrew Knowes of Beildsyd *v.* John Smyth there and Herwie in Murthill.

14. **Decree. Merchant's Account.** Gilbert Jonstoun in Enrurie *v.* Robert Low in Maines of Meldrum and John Beath in Savok. "Cloith and Yron" were the commodities purchased. Expenses 10/- each Defender.

**Decree of Registration.** Thomas Cargill, burges of Abd., as assignee of James Chrystie, Tailzeor, burges of Abd., and Elspet Barnet, his wife *v.* Wm. Gordon of Kennertie, as heir of Wm. Gordon of Kennertie, his father. The Bond constituting the debt of 700 merks dealt with by this decree, had been granted on 14 June, 1625, by the late Wm. Gordon of Aberzeldie, as principal, and by Donald Farquharsone of Tilliegarmouth, Wm. Gordon of Kennertie, John Gordoun of Crabstoun and James Toshe, burges of Abd., as cautioners. The assignation to Cargill was dated 22 June, 1632.

19. Nature of Actions not disclosed. James and Margaret Robertsons, children and executors of James Robertsons, Cordoner, burges of Abd., and their tutors *v.* Wm. Ord, Wright, burges of Abd., Marion Philp, widow of the said James Robertsons and wife of Robert Duthie, Skynner.

David Sym in Ward of Slaines *v.* John Mitchel, sometime in Dubmyr, then in Kirkcoun of Slaines. Alexr. Gibson at the Miln of Furvie was one of the witnesses cited to this diet.

**Decree of Registration.** Wm. Fraser, lawful son of the late Mr. Micheall Fraser of Techmurie *v.* Alexr. Fraser of Techmurie, son and heir of, or charged to enter as heir to Alexr. Fraser of Techmurie, and John Fraser of Newburgh, his nearest agnate and Tutor. The Bond for 4000 merks which was the subject of this decree had been granted by the late Alexander Fraser in favor of his younger brother, the Pursuer, in implement of their father, Mr. Micheall Fraser's intentions, and their mother, Margaret Hay's wishes, and by way of family provision for his "support, help and maintenance of his estate." It bore date 9 May, 1618, and stated that the granter was then 21 years of age complete, and was made payable when the grantee should have reached that age.

**Decree. Rent.** Robert Skeyn of Tilliebirlach, burges of Abd. *v.* Janet Forbes, widow of Wm. Foullar in Sheillis. Rents of four oxengait of the middle third of Tilliebirlach. Among the items were £4 for "Brewtauch" and £6 for "tuell huikis" ane day in Harwest." Expenses 40/-.

21. Nature of Action not disclosed. Wm. Gordon of Brodland, as assignee of *v.* Alexr. Grig in Auchmachar and Wm. Keyth, younger, in Aldmad for his interest.

**Action of Forthcoming.** Paul Meinzie, Provost of Abd. *v.* Alexr. Sangster in Wattrishemuir and Adam Gordon in Halkhillok for his interest.

## Aberdeenshire Sheriff Court :

1633.

Jany. 9. Nature of Action not disclosed. George Jonstoun, late Bailzie, burgess of Abd. *v.* Mr. Wm. Johnstoun, elder, burgess of Abd., Margaret Liddell, his wife, Jean Liddell, widow of David Watson, Tailzeor, burgess there, Helen Liddell, widow of Walter Angus, Skipper there, John Liddell, Cowper, burgess there, and Marjorie Murray, his wife.

**Action of Forthcoming.** Cristian Burnet, wife of Alexr. Cruikshank, younger, burgess of Abd., and her husband *v.* Adam Abercrombie in Ald Rain, John Leyth in Newland and Thomas Farquharsone in Lonheid.

**Decree. Forthcoming.** Gilbert Anderson, Skipper, burgess of Abd. *v.* Adam Abercrombie in New Rain, John Anderson in Ardoyn, Robert Catto at the Milne of Ardoyn and Thomas Ferquharsone in Bonytoun, *Arrestees*, and Capitan John Forbes of Tulloche and Marjorie Forbes, his wife, *Debtors*. The Pursuer was creditor of Captain Forbes in the sum of £300 contained in a Bond dated 19 Octr., 1631, and registered in the Sheriff Court Books, 18 May, 1632. The arrestees were tenants of Forbes whose rents had been arrested.

**Decree. Forthcoming.** John Leslie, Thesaurer, burgess of Abd., as assignee of Alexr. Leslie, indweller there *v.* the same Defenders as in the preceding case. The Pursuer held a decree against Captain Forbes for £50 and had arrested *pari passu* with the Pursuer in the preceding case.

16. **Decree of Supplement. Rent.** Wm. Symson in the Hauches of Asseugill *v.* Wm. Gordon, elder, in Buquhanochie. Authority was in this case interponed to an Act of Court of the Barony of Udoch "haldin at the Scorgie Stryp" on 21 August, 1632.

18. **Decree. Price of Grain.** James Cheyn of Arnadg *v.* Patrick Carle in Poitachie, Arthur Forbes at the Miln of Tolmaids, John Gellain in Glentoun and George Ferquhar in Dewchries. Decree with expenses of 24/- each against Forbes and Ferquhar. The others appeared and asked a day for lodging defences.

23. **Decree. Price of Meal.** Robert Irwing of Moncoffer *v.* Walter Cheyn in Tilliebin. £24 for meal sold with interest from Hallowewin 1631 and 30/- of expenses.

25. **Decree. Cutting and Destroying Green Wood.** The Marquis of Huntly *v.* John Sandiesone in the Muir and a large number of others who were charged with "cutting awaytaking and transporting of the grein trees furth of the persewaris woodis and forrestes of Coulblein and Waterernie" in 1629, 1630, 1631 and 1632. A certain number of the Defenders did not appear and against each of them decree passed for £10 per annum for each of the four years named. Of those who did appear a few made modified admissions on oath and were decerned against accordingly. A considerable number were assolizied because they denied the charge on a reference to their oaths.

30. **Action of Spuilzie.** Mr. Andrew Massie, Minister at Drumblait *v.* James Cheyn in Kirkcoun of Drumblait and John Rhind in Monelie.

## Decree Books: Vol. III., Contents

1633.

Jany. 30. Nature of Actions not disclosed. Wm. Meldrum, portioner of Thomastoun *v.* John Copland at the New Milne of Auchterles.

Febry. 1. John Udney of Balhelvics *v.* Jean Straquhan, widow of Wm. Forbes in Pitgerso.

6. **Decree. Borrowed Money, &c.** Sir Wm. Forbes of Craigiewar *v.* James Forbes of Bandean, formerly his Chamberlain. Sums in Bonds, sums for which the Pursuer was liable as cautioner for the Defender and rents collected but not accounted for were sued for. The whole was referred to the Defender's oath, but he did not appear.

**Decree. Rent or Removing.** Sir Wm. Forbes of Craigiewar *v.* James Forbes in Tillieriauch, occupier of four ploughs of Tillieriauch and two ploughs of Bandean.

8. **Decree. Sundry Claims.** Jaspert Cushnie, sometime in Brotherfeild, then in Hoilmilne *v.* Wm. Ranie in Hoilmilne and James Irving in Brotherfeild.

13. Nature of Actions not disclosed. Alexr. Irwing of Quhytcarnes *v.* Patrick Leyth of Fortrie.

Patrick Gordon in Ballogie *v.* Andrew Fraser of Midbeltie.

**Decree. Price of Meal.** John Gordoun of Crabstoun *v.* Wm. Clerk in Kingiswallis and Andrew Hendersone in Langkarne. The Pursuer's case was that he was to receive "alsmeikill for ilk boll thair of as he sould happin to get for the rest of the meill sould be him cropt" 1631, and the Sheriff depute after hearing evidence decerned for ten merks per boll. The Fiars price of meal crop 1631 was £3. Expenses each Defender 30s.

**Decree. Rent, &c.** Mr. David Andersone of Finzeauch and Alexr. Stewart, burgess of Abd., his Tutor "be reasone of his furiositie" *v.* Patrick Calder, sometime in Meikill Abercattie, then in Finlaterie. The rents and customs of a plough and a half of Meikill Abercattie crop 1632. Also abstracted multures. Expenses 40/-. The price of meal was £10 per boll. Fiars price was £5 per boll.

15. Nature of Action not disclosed. Robert Buchan of Portlethin *v.* Andrew Ranie in Kennertie.

20. **Action of Deforcement.** Mr. Alexr. Davidsone, his Grace's Procurator Fiscall, and John Pettindreich, Mair depute, for his interest *v.* Rinzean Jonstoun at the Milne of Innerquhomrie, Duncan Sherar in Coinzeak, Andrew Milne at the Milne of Drumbreck, John Harper in Coinzeak, Wm. Littlejohnne in Wittingshill of Milnebreck and Gilbert, James and John Ogstoun there, none of whom appeared.

**Decree of Supplement. Rent, &c.** James Crichtoun of Frendracht and Dame Elizabeth Gordon, his wife *v.* James Hay in Cowbairdie. The authority of the Sheriff was by this decree interponed "vicis gratia et in supplementum justitiæ to ane Court Act of the Baronies and Lands of Frendracht, Convoy and Kynnardie haldin within the Hall of Auchingoul" on 22 Novr., 1632, "be Robert Spence of Tulloche, bailzie" to the Pursuers. The narrative stated the necessity for the decree thus "the said James Hay is removet furth of the saidis complenaris ground and lands quhairbe the grund officer hes no powar to poind or distreinzie the said James his guidis and geir."

## Aberdeenshire Sheriff Court:

1633.

Feb. 22. Nature of Action not disclosed. Mr. Gilbert Ross, Maister of the Musick School of Auld Abd. *v.* Alexr. Williamsone, Baxter, burgess of Abd.

**Decree. Trespass by Cattle, &c.** Wm. Lyon at the Milne of Auchterellon *v.* George Clerk in Elloin. Ten merks for a boll of great oats crops 1631 and 1632. The Defender having failed to appear to give his oath, decree was given against him with 13/4 of expenses.

27. Nature of Actions not disclosed. Andrew Fraser, younger, of Staynniewod, as assignee of Wm. Erskin, brother german of Thomas Erskin of Balhaggartie *v.* George Cantlie in Cloffrick, George Ross in Touxhill, Gilbert Low there and Janet Keyth, Guidwyff of Touxhill, for her interest.

Mar. 1. Meattie Fidler, widow of George Blak in Belliscamphie, and John Sym in Artrochie, her husband, for his interest *v.* Wm. Leask, younger, of that ilk.

6. **Action of Ejection.** James Herwie, sometime in Boighoill, then in the Hospitall of Old Abd. (in a subsequent entry designed "Beadman in Ald Abd.") *v.* Andrew Forsyth in Boighoill.

**Action of Forthcoming.** Robert Irwing of Feddrett *v.* Wm. Kirkland in Gordonesmilne, Agnes Gray, widow of John Moresone, Henry Cristall, her son, Andrew Hoig in Cottown, Andrew Auquhath in Abd. and George Brown, Fermorer in Abd., for his interest.

Nature of Action not disclosed. Alexander, Maister of Forbes, and Dame Elizabeth Forbes, his wife *v.* James Scott in Tailzeauch, Henry Layng there, Wm. Ingraham in Towie of Clatt and Patrick Burnet there.

**Decree. Cutting and Destroying Green Wood.** Arthur, Lord Forbes, and Robert Wilsone and John Brebner, "Frosteris" *v.* John Copland at the Nother Milne, Patrick Mortimer, servitor to Alexr. Forbes in Bredhauch, Duncan Shreff in Kirkton of Forbes and a large number of others, of whom five were assolizied on a reference to their oaths. One appeared and made a modified admission. Against the others who were absent, decree was pronounced as prayed for on 27 March. The woods named were Drymminoir, Birks of Windisey, Wood of Bithnie, Boig of Balfour and Boig of Langhauch.

**Decree. Warrandice.** Mr. Wm. Ogstoune in New Glack *v.* Wm. Scott in Saucherley. Scott had sold to Ogstoune "ane black naig of the aige of fyve yeirs or thairby" a year previously, for £24. One Wm. Moir in Strathspey was now claiming the horse as having been stolen from him by Scott. This was an action by Ogstoune against Scott for warrandice and relief in which the Defender appeared and consented to warrand Ogstoune at all hands. Decree accordingly.



## Decree Books: Vol. III., Contents

1633.

- Mar. 6. **Decree. Trespass by Cattle, &c.** Wm. Andersone in Auld Milne of West Toune *v.* Patrick Fyff, elder, Patrick Fyff, younger, and Wm. Fyff, younger, and James Jaffray, all in Melgome, James Skeyn and James Moir in East Toune, Alexr. Cowtes, Wm. Fyff, John Reid, Elspet Fyff, John Makrobie and George Mackellis in West Toune and Andrew Thomsone in Wardheid. The Pursuer's crops were said to have been eaten in 1630, 1631 and 1632 by the "guids horss nolt scheip swyn and utheris thair bestiall" belonging to the Defenders, most of whom appeared and on a reference to their oaths admitted some damage, but a good deal less than was claimed. The Pursuer put the price of the boll of oats with fodder at ten merks while the Sheriff fixed it at four merks. Each Defender had to pay 6/- of expenses.

**Decree. Rents.** Mr. Wm. Burnett, Minister at Kynnairnie *v.* the tenants of Sunhonnie, Midmar and Makterrie and Alexr. Gordon of Aberzeldie, for his interest. The Pursuer had a wadset of the lands of Bandtoothie, Kirktown of Kynnairnie and others, conform to a contract of wadset dated 5 June, 1628, and registered in the Books of Council and Session 8 June 1632. In warrandice of the conveyance of these lands he had a disposition of Sunhonnie, Midmar and Makterrie, and Sasine following thereon dated 17 June, 1628. Elizabeth Setoune, widow of the late William Gordoune of Aberzeldie, having obtained a Decree ordaining Burnett to remove from the principal lands, he now fell back upon the tenants of the warrandice lands in order to make his security operative and effectual, and obtained this decree against them. It may be noted that at this Court, probably in view of the importance of the cases, the principal Sheriff deputy Alexr. Forbes of Boyndlie sat along with the ordinary working deputy Mr. James Irving, Advocate in Abd.

8. Nature of Action not disclosed. Margaret Forbes and Alexr. Banerman of Elsick, her husband *v.* Wm. Fergowson in Newtoun of Murthill and John Yuil there.

**Decree. Yarn. Lairage of Cattle.** George Hay in Buthlaw *v.* Patrick Ritchie in Peterheid, as debtor for Agnes Layng there, and Gilbert Mitchel in Cocklaw. The first Defender was ordained to pay £10 for "yarne taken be her," *i.e.* Agnes Layng, "to litt and not restoirit again." The Defender Mitchel had to pay "for tua nightes laires of fyv nolt and tuentie sheip in the said George his cornes of Thundertoun of the cropt 1630 yeirs ane firloft quhyt aittis ilk heid of nolt nightlie and ilk fyv sheip ane firloft lyk aittis nightlie pryce of the boll ten merkis." Expenses 15/- each Defender.

**Decree of Exhibition.** John Fyff, lawful son of the late John Fyff in Balchynnie *v.* Meat Leyth, his widow, and John Gareoch in Willingis (in another entry called Walhous), her husband, for his interest. This was a decree for production of a Bond by the late Wm. Forbes of Corsinday, as principal, and Robert Merser in Endowie for 300 merks, which was said to belong to the female Defender in liferent and to the Pursuer in fee. Expenses 40/-.

13. **Decree. Rent.** Mr. Wm. Davidsone of Ord *v.* Wm. Abircrombie at the Milne of Durnocht. The rent and customs of Milntoune of Durnocht crop and year 1632. Expenses £3.

## Aberdeenshire Sheriff Court :

1633.

Mar. 13. **Decree. Forthcoming.** Robert Alschioner, portioner of Boighoil, burges of Abd. v. Alexander Sangster in Wattrishemuir and Adam Gordon in Halkhillok, for his interest. A sum of 1000 merks payable by Sangster to Gordon, as dot and tocher with his daughter Margaret Sangster, in implement of Marriage Contract dated 4 August, 1630, and still unpaid, had been arrested in Sangster's hands on 9 Octr., 1632, to secure 300 merks due under a Bond granted by Gordon to Alschioner.

15. **Action of Spuilzie.** Robert Morgen in Drumquhattie v. Duncan Idill in Milnetoun of Carnulie.

Nature of Action not disclosed. George Meldrum of Haltoun of Auchterles and Elizabeth Ogilvie, his wife v. Henry Umphray, indweller in Abd.

**Action of Removing.** Alexr. Irving of Quhytcarnes v. Neil Makgrigor, alias Erskin, in Westoun of Cromar. Two Sasines produced but dates not given.

**Decrees. Forthcoming.** (Two cases). Alexr. Skeyn of that Ilk v. James Wattie in Auchterernen, George Duckiesone there, George Andersone in Tulloch, James Snawie at the Blak Milne, Wm. Wattie there, John La in Berwie, Gilbert Kar at the Milne of Cragiedarg, Robert Forbes in Rogershill and Alexr. Skeyn, portioner of Auchterernen for his interest. The foundation of the Pursuer's claim against the Defender, Skeyn of Auchterernen, in these two cases was a Bond of £1000 dated 28 Decr., 1624, and registered in the Sheriff Court Books on 22 June, 1633. The other Defenders were tenants of Skeyn of Auchterernen, whose rents for 1631 and 1632 had been separately arrested.

**Decree for Implement. Innominate Contract.** John Smyth in Dames v. John Calder in Abd. The Pursuer averred a bargain that he was to receive two oxen from the Defender on condition that the latter was relieved by him of the remaining two years' lease of eight oxengait of Auld Waster Eight. (*Vide Illustrative Examples infra.*)

20. **Decree. Rent or Removal.** Andrew Fraser of Staynniewood v. George Leask, occupier of eight oxengait of Waltoun. It was stated that the Defender "hes left his said rowme and hes maid the same all togidder unstreinzeabill of cornes cattell horsse nolt sheip" for payment of the rent.

27. Nature of Actions not disclosed. Alexr. Forbes of Buthlaw, Donator to the escheat of Brandain Ranie in Gask v. Patrick Meldrum of Iden.

Thomas Chalmer, burges of Abd., assignee of Alexr. Chalmer, late Dean of Gild, his father v. George Chalmer, Citiner in Ald Abd.

**Decree of Relief and Payment.** Jaspert Cuschnie in Hoilmilne v. Wm. Gareoch in Breddiach, Wm. Touche in Brotherfeild and James Burnet there. When tenant of John Leyth of Counteswallis, Cuschnie had been found liable to the landlord (decree dated 30 April, 1631) in certain sums as damage for trespass. On the ground that the bestial of the Defenders had contributed to the damage, Cuschnie sought by this decree to operate his relief against them. Expenses 10/- each.

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1633.

Mar. 29. Nature of Action not disclosed. Andrew Gray, Apperand of Shives, assignee of Elizabeth Seton, Lady Aberzeldie *v.* Mr. Alexr. Gordon, Minister at the Kirk of Glenmuick.

**Decree. Rent.** Wm. Gordon of Brodland *v.* Thomas Mar in Knok. Part of the rent crop 1629 of Ald Knok, and the whole of rent crop 1630 were due to Alexr. Gordon in Haddoleyis, who had assigned them to the Pursuer on 30 August, 1632. The rent crop 1631 was due to the Pursuer in his own right. Decree now passed for all with 40/- of expenses.

**Decree. Rent or Removal.** Wm. Duguid of Auchinhuif *v.* Lawrence Calder in Blelok. The lands of Quhythous of which the Pursuer was heritable proprietor had been occupied by the Defender but deserted by him.

**Decree. Debts.** Alexr. Thomsons, burgess of Abd., as assignee of John Thomsons in Mowny *v.* James Forsyth in Saphock, 42 merks, James Kempt in Pitblain, 10 merks, Thomas Knicht, sometime in Fingask, then in Mowny, 34 merks and 10 merks of interest, Walter Duncan in New Craig, 7 merks, and Wm. Byres in Wasterhous of Barrak, 80 merks.

**Decree of Removing.** James Crichtoun of Frendracht and Dame Elizabeth Gordon, his wife *v.* James Hay in Cowbardie. The Defender was occupant of the Pursuer's half of Maines of Cowbardie, of which it was alleged that he had agreed in a Barony Court to cede possession. He on the other hand claimed that after the date of that Court the female Pursuer "condiscendit" with him that he "sould keip still his fyv yeiris tak as he did abefoir quhairof thrie yeiris ar to rin, and that the said Dame Elizabeth is factrix to hir husband and hes powar of him in all his effaires, at least hir husband consentit thairto." The Sheriff depute held that this "peremptorie exceptione" had not been proved and gave decree.

**Decree. Damage to Crop. Incoming and Outgoing Tenants. Custom of the Country.** Jaspert Cuschnie, sometime in Brotherfeild, then in Hoilmiln *v.* John Findlay in Brotherfeild and James Irwing there. At Whitsunday, 1631, the Pursuer was the outgoing tenant and the Defenders the incoming. The Pursuer made various claims for portions of his waygoing crop eaten and destroyed, and succeeded. One item was the following: "Togidder with half boll aittis eattin and destroyit be thair guids thaireftir at the Bakies." Expenses 30/- each Defender.

30. **Action of Brack [Breach] of Arrestment.** Mr. Alexr. Davidson, his Grace's Procurator Fiscall, and James Fraser in Balbrydie, as assignee of John Fraser, his brother *v.* Thomas Fraser in Carnebadie, James Downie at the Miln of Midbeltie, Thomas Tait in Bandar, Simon Fraser there, Elspet Byris, widow of Patrick Straquhan in Stranduff, James Driedie in Windiehills and John Dick in Crinkieruif.

April 13. Nature of Action not disclosed. Wm. Gray, younger, burgess of Abd., as assignee of Wm. Gray, elder, burgess of Abd. *v.* Thomas Meinzie of Balgownie, Alexr. Meinzie, his brother, Janet Gordoun, their mother, and Andrew Hunter of Grandom, for his interest.

## Aberdeenshire Sheriff Court :

1633.

April. 13. **Action for Legacy. Absolvitor.** John Reid in Eastoun of Cromar *v.* John Duncan in Tilliechardoch. The Pursuer claimed 18 merks for a boll of bear left to him, which the Defender had promised to pay, but the latter denied this on a reference to his oath.

**Decree. Wrongous Intromission.** Paul Meinzie of Kynmundy, Provost of Abirdein *v.* George Logy in Swailend. The Pursuer's statement was that having, as a creditor of George Craigheid in Kynmundie, apprised from him "ane hornit broun bellit kow with ane calf at her fuitt pryce thairof tuentie merkis" which was "tarrit with his tar," the Defender had in June, 1631, taken possession of the animal. Decree passed for restoration or payment, with £3 of expenses.

**Decree. Restitution.** The said George Logy *v.* the said George Craigheid. This was a decree for the sum of 20 merks which the Pursuer had paid to the Defender for the cow and calf which had been "ewictit" from him by Paul Meinzie of Kynmundie, with £3 of expenses.

**Decree. Forthcoming.** The said Paul Meinzie *v.* the said George Logy, John Herwie in Kynmundie and Andrew Dassie in Drumnagar. The Pursuer had constituted a claim against Herwie for rent in the Commissary Court on 31 March, 1630, and against Dassie in a Court of the Lands on 25 January, 1632. He followed up these by arrestments of grain, part of which Logy had, according to his admission on oath, subsequently taken possession of.

**Decree. Forthcoming.** Gilbert Gordon, burgess of Abd. *v.* George Andersone in Deir and Janet Keyth of Touxhill, for her interest. Janet Keyth was due £18 18/- and interest to the Pursuer by Bond dated 14 June, 1631, and registered in the Sheriff Court Books 25 July, 1632, for securing which an arrestment had been used in Andersone's hands.

May 1. **Action. Price of Mare, &c. Absolvitor.** James Liegertwood in Fornattie *v.* Thomas Liegertwood in Corsteane. £20 being the pryce of "ane sad broun mear coft and resaut," &c. On a reference to his oath the Defender denied the claim and was assolizied.

**Decree. Forthcoming.** Mr. Robert Farquhar, burgess of Abd., as assignee of John Forbes of Balnagask *v.* Andrew Pattoun in Blakhill, John Bruce in Smalburne, Alexr. Baxter in Nather Knoxie, Alexr. Bruce there, James Logan in Pettiearkhous, John Dunes [or Dinnes] there, John Murcor in Durrie, Alexr. Johnstoun in Milnbreck, Gilbert Ogstoun there, John Jonstoun there, Gilbert Ritchie there, Wm. Jonstoun there and John Gordon of Pitlurg, for his interest. Gordon had borrowed from Forbes 187½ merks on 23 Novr., 1631, conform to Bond of that date recorded in the Sheriff Court Books on 7 January, 1633. The Bond having been assigned to the Pursuer on 20 December, 1632, he had arrested the rents due by Pattoun and the other Defenders to Gordon of Pitlurg for crop 1632.



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1633.

May 1. **Decree. Price of Meal.** James Cheyn of Arnage *v.* John Gellan in Glentoun. The Pursuer sued for 12 bolls of meal crop 1629 "conforme to the defendar his judiciall confession maid thairanent befor the bailzies of Abirdein in November last pryce of the boll sextein merks money." The Pursuer referred his claim to the oath of the Defender, who referred it back to the Pursuer's oath, the result being decree for 3 bolls 1 firiot at 16 merks per boll with 40/- of expenses. By the fiars of 1629 the price of meal had been fixed at 8 merks per boll.

3. **Decree of Supplement. Rents.** Margaret Forbes, widow of Wm. Irwing of Murthill, and lyverentar thairof, and Alexr. Banerman of Elsick, her husband *v.* Wm. Fergowsone, sometime in Newtoun of Murthill, then in Culter, and John Yuil in Murthill. The rents of the "fourt pairt toun and landis of Auldfauld" crops 1629 and 1630. The Defenders had been found liable to pay by an act of Court of the lands of Murthill "according to the feiris of the saids yeiris."

8. **Decree. Rent.** Sir Wm. Forbes of Monymusk *v.* Patrick Easone, sometime at the Miln of Kyncragie, then in Innenteir. The rents of the Meikill Croft and of Torna-gloiss crop 1631. Price of meal 10 merks. Expenses £3.

10. **Action of Removing.** Alexr. Irwing of Quhytcarne *v.* Neil Mackgrigor in Wastoun in Cromar.

Nature of Action not disclosed. Thomas Clerk, Wobster, burgess of Abd. *v.* Mr. James Straquhan, Minister at Coldstain.

**Decree. Escheated Estate.** Wm. Layng in Barflet, as assignee of Mr. Alexr. Reid, Wreittar *v.* John Jamesone in Tillienessell, Alexr. Shreff in Scottismilne, Patrick Smyth in Auchlyn and Janet Gib, his mother. The late Wm. Smyth in Auchlyn having been denounced rebel for not paying a debt, his escheated estate was gifted to Reid who assigned it to the Pursuer. The Defenders were either debtors to the deceased or had intromitted with his effects.

17. Nature of Actions not disclosed. Wm. Setone, younger, of Disblair *v.* Alexr. Andersone, Thomas Cruikschank, John Hall and James Gordon, all in Mealinsyd, George Cruikschank in Wranghame, Margaret Irwing, widow of John Setoun, sometime fiar of Disblair, and Wm. Gordon, her husband, for their interest.

24. John Duff, burgess of Abd. *v.* Alexr. Hill, John Moir and Alexr. Jaffray, Gardneris in Abd.

June 5. **Action of Brack [Breach] of Arrestment.** The Procurator Fiscal and Wm. Gray, younger, burgess of Abd. *v.* Janet Gordon, widow of Mr. Thomas Meinzie of Balgownie, and Alexr. Meinzie, brother german to Thomas Meinzie of Balgownie.

**Decree. Price of Meal.** Robert Irwing of Moncoffer *v.* John Forbes in Rivehill. Two bolls meal crop 1631 at 13 merks per boll with 30/- of expenses.

## Aberdeenshire Sheriff Court :

1633.  
June 5.     **Decree of Removing.** Mr. Alexr. Reid, liferenter of the lands of Invernetie in the parish of Invernochtye *v.* Duncan Narne and James Quhytheid in Invernetie. The Pursuer produced a liferent lease of the lands by John, Earl of Mar, and John, Lord Erskine, his son, dated 11 August, 1630.
11.     **Decree. Trespass by Cattle, &c.** James Symson in Knappernay *v.* Wm. Aiken in Tilliegrig. The grain eaten was of crop 1628, and the prices per boll decerned for were £4 for Small oats, £6 for Great oats and 10 merks for Bear.
12.     Nature of Actions not disclosed. Sir George Johnstoun of that Ilk, Wm. Forbes of Tolquhon, Walter Forbes of Thainstoun and John Forbes of Balnagask, as assignees of Alexander, Master of Forbes *v.* Wm. Ingraham in Towie of Clat, Patrick Burnet there and Henry Lang in Tailzeauch.  
  
Wm. Blakhall, portioner of Finnerisie *v.* Andrew Smyth in Meikill Finnerisie.
19.     Patrick Meldrum of Iden *v.* Robert Leslie in Hülheid of Iden.  
  
Patrick Leyth of Mongarioch *v.* Wm. Meanie in Bogischalloche.  
  
Mr. Gilbert Paip, burgess of Abd. *v.* Andrew Meldrum, burgess of Abd., Thomas Cheyn of Ranestoun and Gilbert Cullen, burgess of Abd., for his interest.
21.     Mr. Robert Farquhar, burgess of Abd. *v.* Gilbert Meinzeis of Pitfodels, Andrew Meldrum, late Bailzie, burgess of Abd., Wm. Seatoun of Schethin, James Cheyn of Arnedge, Thomas Cheyn of Ranistoun and Gilbert Cullen, burgess of Abd., for his interest.
26.     Mr. Gilbert Paip, burgess of Abd. *v.* Andrew Meldrum and Wm. Black, burgesses of Abd., Thomas Cheyn of Rainestoun, Janet Seatoun, widow of George Seatoun of Schethin, Wm. Seatoun of Schethin and Gilbert Cullen, late Bailzie, burgess of Abd., for his interest.
28.     **Decree. Forthcoming.** John Ingraham, Clerk deput of the Burgh of Abd. *v.* Robert Law, Wobster in Auld Abd., Thomas Robertstone, Merchand, burgess of Abd., and Jean Hepburne, his wife, for their interest. These last were tenants under the Pursuer of "tua lauch houssis and chop of the foirlands lyand on the south syd of the Castillgeat" of Abd., but had not paid their rent of £30 for the year to Whitsunday, 1633. In security Ingrahame had arrested in Law's hands "ane wob of plaiding conteining threttie sex elnis of lenth with tua pairs of hewit fingrein plaidis." The Pursuer valued the plaids at 20 merks each and the plaiding at 12/- the elne.
- July 3.     **Decree. Delivery of Grain or Payment.** Alexr. Kar, indweller in Abd. *v.* Alexr. Measson in Tirrievail. The Defender had sold bear to the Pursuer and failed to deliver it. The Pursuer had paid "ane dolor in arlis" and part of the price. Expenses 26/8.
4.     **Decree of Removing.** Gilbert Meinzeis of Pitfoddells *v.* Matthew Still in Petfoddells. Sasine dated 8 August, 1623. Notary the late Mr. Wm. Andersone, Sheriff Clerk of Abd.

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1633.

July 5. **Action of Removing.** Patrick Dalgarno in Beyth *v.* James Wilsone in Draminnor, Robert Gordoun in Perskew and George Smyth in Towie. Sasine dated 9 June, 1630. Notary Wm. Simsone.

10. Nature of Action not disclosed. Robert Johnstoun in Udney *v.* Gilbert Mutch in Tilligowny.

**Action of Removing.** The Marquis of Huntly *v.* Thomas Michie in Meikill Raimoir.

Nature of Actions not disclosed. John Lamb in Raineshill *v.* David Cuming in Boddomes.

Robert Thomson in Baikiehill *v.* Patrick Sinklair in Scottaxfuird.

**Decree for Goods Sold.** Isobell Forbes, Lady Williamstoun *v.* Wm. Leslie in Wranghame and John Betie in Bogheid. Leslie to pay for meal at 8 merks per boll, for malt crop 1631 £6 per boll, and for an ox 27 merks. Betie to pay for small oats at £6 10/- per boll and for an ox 29 merks.

12. Nature of Actions not disclosed. Alexr. Gordon of Aberzeldie *v.* Alexr. Abercrombie, sometime in Stragirnie [Strathgirnock], and Wm. Brabner in Crossfeild.

Patrick Gordon, son and assignee of Hew Gordon of Cultis *v.* George Bruisson in Mongerie.

**Decree. Price of Meal.** James Godsman in Kellie *v.* James Watson in Shives and Gilbert Mutch in Tilliegonie. Meal 12 merks per boll. Expenses 10/- each.

**Decree of Supplement. Past Due Interest.** Alexr. Moir in Greindames *v.* John Crombie in Glenheid. The past due interest of 100 merks had been decerned for in the Barony Court of Kemnay and Craighern on 18 September, 1632, but the Pursuer [? Defender] had removed from the Barony. Expenses £3.

17. Nature of Actions not disclosed. Gilbert Meinzie of Petfoddellis *v.* Wm. Seatoun of Blair.

Wm. Gray, elder, burgess of Abd. *v.* Sir Alexr. Hay of Dalgatie and James Cheyn of Arnadge, Mr. Patrick Maitland of Auchincrive, Thomas Kempt, Fermorer in Abd., Richard Irwing, Fermorer there, Wm. Robertsone, burgess of Abd., Agnes Layng, his wife, Maister Vidast Lawsone and John Lawsone, burgesses, for their interest.

**Action of Removing.** James Cheyn of Arnedge *v.* John Burnet in a croft of Mamewlay.

**Decree. Salary.** Mr. Patrick Lindsay, Student of Divinity *v.* Thomas Tillidaff, sometime Minister at the Kirk of Foveran. 40 merks for services at the Kirk of Foveran, with 40/- of expenses.

**Decree. Price of Bear.** Alexr. Kar, indweller in Abd. *v.* Alexr. Kar in Craigidarg. £9 for 5 firlots "rin mett." Expenses 20/-.

## Aberdeenshire Sheriff Court:

1633.  
July 19. **Action of Supplement. Multures.** Wm. Cowper at the Myln of Cauldwalls v. Wm. Smyth, Alexr. Airth, Alexr. Pattersone and Alexr. Lawrensone, all in Ardgrain. An Act of Court of the lands of Ardgrain, dated 8 December, 1633, was sought to be enforced, when Airth appeared, paid the claim against him and was assolizied.

24. Nature of Action not disclosed. George Gordoun of Nethermuir v. John Mar in Wattishill.

**Action of Removing.** Robert Irwing of Fedderit v. Patrick Stewart in Quhytsteanes.

**Action for Restitution of a Horse.** Robert Morgan in Drumquhatie v. Duncan Idyll in Mylntoun of Cairncowllie.

**Decree of Supplement. Rent.** Mr. Gilbert Keyth, Minister at Skeyn, proprietor of the third part lands of Litill Finersie v. Thomas Law in Litill Finersie. Rent crop 1632. Price of boll meal 10 merks, of boll malt 12 merks.

26. Nature of Actions not disclosed. Arthur Forbes of Meanie v. Andrew Sime in Minnes.

Katherine Simsone in Knoksoull v. Duncan Narne in Boigstoun, Alexr. Mackvillame, and Robert Mackvillame in Knoksoull and Wm. Michie in Newgrottie.

**Decree. Implement of Lease.** Allaster Andersone in Rippachie v. Wm. Andersone there. The Pursuer produced a liferent lease of the croft of Croy dated 22 June, 1622, of which the Defender had never given him possession. He was now ordained to give the Pursuer entry and to pay £3 of expenses.

**Decree of Removing.** Thomas Fraser of Striechin v. Andrew Craik in Newtoun of Striechin. Sasine dated 6 June, 1618. Notary George Andersone.

31. **Decree. Price of Meal.** Robert Irwing of Fornett v. Thomas Erskin in Carnie and Robert Hall in Kirkcoun of Skeyn. The Pursuer had on the Defender's order delivered various quantities of meal, crop 1630, to the servants of Robert Ferquharson of Invercauld, James Ferquharson of Inverey, John Gardyn of Bellamoire and Alexr. Gardyn, his brother. Meal £6 per boll. Expenses 30/- each Defender.

**Action of Spuilzie.** George Wallace in Claymilne v. Wm. Kanzeauch in Lediturk, Alexr. Lasone in Creach, John Davidsons in Bandle, Wm. Etterschank in Waster Camphel and John Innes there.

Nature of Action not disclosed. George Leslie, younger, of Kincragie v. Wm. Gareoch in Torries of Touche, Wm. Lasone in Creauch, Patrick Calder in Findlatie, Janet Burnet in Meikill Endovie and Thomas Lasone, her husband.

**Decree. Price of Building Material, &c.** Patrick Etterschank in Abd. v. James Machray in New Maidren. "Tua wallis of clay and staisks" 26/8, "Tua windowes and tua Lummis 26/8, "Ane pair of dur cheiks of aik" 3/4. For oats eaten by the Defender's horses, &c., crop 1632, 10 merks per boll was decerned for. Expenses 26/8.



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July 31.

**Decree. Grass Violence.** George Hay of Easter Auquharnie *v.* Wm. Cruikshank in Auquharnie, Alexr. Pirie there, Alexr. Mathew in Auchinten and Patrick Gibsone there. The Defenders were charged with pasturing their horses, cattle and sheep, without any title or permission, on the Pursuer's lands in the summer season of 1632. After proof Pirie, Cruikshank and Matthew were each ordained to pay 10/- for each of 40 nolt, 2/- for each of 80 sheep, and 20/- for each of 4 horses, while Gibson had to pay at the same rate for 12 nolt, 20 sheep and 4 horses. The Pursuers had asked double these rates. Expenses 20/- each.

**Decree. Forthcoming.** Mr. Wm. Johnstoun, elder, burgess of Abd. *v.* Andrew Meldrum, burgess, and Gilbert Cullen, burgess, for his interest. The Pursuer, to whom Cullen owed 300 merks besides interest and penalties, had arrested 500 merks less or more in Meldrum's hands. The latter admitted that 250 merks had been arrested, "deduccand thair of the sowme of sevin pundis monie for the pryce of ane hat and ane string" sold by him to Cullen, and decree passed accordingly.

**Decree of Registration.** Mr. Alexr. Scroggie, sometime Minister at Dilnaok, then Minister at Auld Abd., and Jean Ross, his wife *v.* Mr. Alexr. Jaffray, late Bailie and burgess of Abd., as son and heir of the late Alexr. Jaffray, also Bailie, burgess, Jean and Marjorie Buchan, daughters and co-heirs of Wm. Buchan, burgess, and George Moresone, burgess, and Gilbert Skein of Dyce, their husbands, for their interest, Cristane Curror, as daughter and heir of George Curror, sometime of Dyce, and David Curror of Fingask, her husband, for his interest. The document of debt founded on was a Bond for 1000 merks granted by John Leslie of Wardes, as principal, and the deceased Jaffray, Buchan and Curror, as cautioners, to the Pursuer and his wife, dated 13 Novr., 1611. The obligation was to pay to the creditors "within the duelling hous of Maister James Ross, Minister in Aberdein tua dayes preceeding the feast and terme of Mertimes nixt to cum" [1612] "befoir the doun setting of sun." In case of the absence of the creditors, or their refusal to take payment, the debtor was to be entitled to consign in the hands of Mr. Patrick Blackburne, Bishop of Abd., and failing him the said Mr. James Ross. The Bond was written by Mr. John Ross, Regent in the "Colledge of New Abirdein," and among the witnesses were Mr. Robert Davidstone, Advocate, Mr. Thomas Davidstone [Commissary Clerk], Mr. Alexr. Jaffray, Barthill Jonken, indwellar in Leith, and Alexr. Buchan, apparent of Auchmacoy.

Aug. 7. Nature of Action not disclosed. John Lichtoun, burgess of Abd. *v.* Patrick Finlay in Newburge and John Hardie in Haddow. (A Dispensation for proceeding in vacation was produced at this and all August and September Courts.)

14. **Decree of Removing.** Alexr. Keyth of Balmuir *v.* Adam Symson in Weittings-hill and Robert Will in Meikill Auquheiche in the Barony of Feddret and parish of Deir. Sasine dated 21 April, 1628. Notary David Robertstone.

Sept. 4. **Decree Against Heir Charged to Enter.** Mr. Alexr. Middiltoun, lawful son of George Middiltoun in Auld Abd., as assignee of (1) Andrew Forbes at the Myln of Clintertie, who was assignee of Robert Forbes in Rogerhill to a debt of 600 merks, (2) Hercules Guthrie, Chirurgane, burgess of Abd., to a debt of 400 merks, and (3) Gilbert Meinzeis of Petfoddells to a debt of 200 merks *v.* Elspet Davidstone, only daughter and apparent heir of Mr. Thomas Davidstone, Commissary Clerk of Abd.

## Aberdeenshire Sheriff Court :

1633.  
Sept. 7.     **Decree of Removing.** John Ogilvie of Birnes *v.* Alexr. Walker in Miln of Bischopbirnes in Ellon.
18.     **Decree of Removing.** Andrew Meldrum, Bailzie, burgess of Abd. *v.* James Turnor in Kynnintie in the parish of Birse. Sasine dated 21 January, 1630. Notary Thomas Forbes.
20.     **Action of Removing.** James Cheyn of Arnadge *v.* John Burnet in Corss of Mamewlay.
- Octr. 2.     Nature of Action not disclosed. John Crombie in Edinburgh, as assignee of John Trowp, burgess of Abd. *v.* James Keyth, elder, of Kynnadie, James Keyth, younger, Fiar thereof, Walter Thomson in Kynnadie and Thomas Watson, Measson, burgess of Abd., for his interest.

**Action of Intrusion.** Margaret Colliesone, widow of Walter Colliesone, burgess of Abd. *v.* James Colliesone, her son.

Nature of Action not disclosed. Mr. Patrick Gordon of Bracka *v.* Violet Layng, widow of Mr. Thomas Gardyn, Minister at Tarves, Elspet Gardyn, his daughter, and George Merser, Advocate in Abd., her husband, as executors and intromitters with the deceased's estate, and Wm. Gordon, younger, of Sawchin, for his interest.

**Decree of Removing.** Mr. Robert Petrie, Wreittar in Edinburgh, *v.* Robert Cruickshank and other tenants of Cranna, Cranboig, Burnis, Corne and Waik Milne of Burnis in the Barony of Tolquhon and parish of Fyvie. Sasine dated 6 February, 1633. Notary John Ingrahame.

- Novr. 1.     Nature of Actions not disclosed. Sir Robert Innes of that Ilk, knight baronet *v.* John Rhind, Messenger in Monelie, John Sinklair at Boynsmiln, Alexr. Schand in Crichtie, Wm. Schand in Littertie and Arthur Davidson at the Waikmiln of Plaidie.

Sir Paul Meinzie of Kimmundie, knight Provost of Abd. *v.* John Williamsone, burgess of Abd.

James Herwie, sometime of Ward of Kimmundie *v.* Henry Herwie in Ward of Kimmundie and James Herwie, his son, in Brounhillis.

**Decree. Eleven separate Dyer's Accounts.** Patrick Jak, younger, Litster, burgess of Abd. *v.* Wm. Hay in Lichnet £11 4/1, David Curror of Fingies, £49 15/-, David Sym in Ward of Slaines £5 14/6, Janet Gibson at the Miln of Leask £2 16/6, Wm. Charles in Elloin £28 18/4, Jean Ogilvie, widow of Wm. Forbes, Fiar of Tilligouny, £6 0/4, Isobel Irwing and Alexr. Irwing of Altrie, her husband, £24 0/9, George Gareoch, younger, in Kinstair, for himself £12 6/-, and as cautioner for his mother-in-law £4 18/3, John Stewin in Clunie £2 10/-, and John Smyth in Balfuig £12 13/4. All eleven accounts were for "Litting of yarnes and cloith," and each Defender was ordained to pay 13/4 of expenses.

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- Novr. 1. **Decree. Dyer's Accounts.** Patrick Jak, elder, Litster, burges of Abd. v. Wm. Abercrombie at the Miln of Durno £8 5/3 and Janet Keyth "Guidwyff of Touxhill" £17 4/5. Expenses 13/4 each.

**Decree of Supplement. Rent.** John Udny of Balhelvies v. Alexander Henderson in Westburn. The Defender had been tenant of Ardo. Acts of Courts of Barony of Balhelvies held at Drumheid on 16 Octr., 1632, and at Ald Ovirtoun on 6 July, 1630, were founded on.

**Decree of Supplement. Rent.** John Udny of Balhelvies v. Andrew Gray, younger, in Mondurnot. The Barony Court had in this case been held at Old Ouertoun on 17 July, 1632.

8. Nature of Action not disclosed. Mr. Patrick Lindsay, Student of Divinitie in Abd. v. Thomas Tilliedaff, sometime Minister at the Kirk of Foveran, for his interest, and Mr. John Paterson, Minister at the said Kirk.

**Decree. Dyer's Account.** Patrick Jack, elder, burges of Abd. v. John Gareoch in Badivan. £5 for "litting fyv pund of grein yarne." Expenses 20/-.

9. Nature of Actions not disclosed. Elizabeth Seton, widow of John Urquhart of Craigsfintrie, and Alexr. Fraser of Phillorth, her husband v. James Miln at the Milne of Crichtie.

13. Bessie Stalker, widow of Andrew Buchan, Wobster, burges of Abd. v. Patrick Sangster in the Hospitall, Alexr. Sangster in the Grein, James Aillies in Ald Abd., and John Ritchie there.

Mr. George Norrie, Notary Public in Invernoth, "donator to the escheit and lyverent" of Alexr. Fraser of Phillorth v. John Fraser, son and heir of the late Michael Fraser, sometime in Invernoth.

**Decree. Forthcoming.** George Farquhar, burges of Abd. v. James Davidson in Turreff and David Herwie, burges of Abd., for his interest. The latter had been decerned in a Bailie Court to pay the Pursuer £90 13/4 for "merchand wairis coft and resaiwit," on which he had arrested in Davidson's hands "sex staine of Hardes less or mair" said to be worth £6 the stone. Davidson and Herwie, for his interest, were ordained to make the arrested cloth forthcoming so that it might be "poindit and apprysit," or else to pay the money value.

**Decree. Abstracted Multures.** Wm. Cowper, tacksman of the Miln of Caldwellis v. Wm. Smyth, Adam Smyth, Wm. Airth, Wm. Sym, James Sangster, James Kelman, Wm. Aiken, Alexr. Lowrenstoun, Alexr. Paterson, James Hutcheon, all in Ardgrain, John Boner in Wastertoun, John Smyth in Kynharrachie and John Bowman in Elphin. The Pursuer had a four years' lease from Whitsunday, 1628, from James Robertson in Caldwellis. The libel being refered to the oath of the Defenders, Airth, who said he had paid all that was due to the laird of Carmuck, "his Maister," and some of the others who denied their indebtedness were assolizied. Wm. Smyth admitted that he had abstracted "ane firloft and tua half disches" of oats at 7 merks per boll, which was much less than was asked. Expenses were not mentioned, but on 20 Decr. there was decree against some of the Defenders, who had not appeared, with 6/8 of expenses each.

## Aberdeenshire Sheriff Court :

1633.

Novr. 13.

**Decree. Rents.** Mr. Robert Ferquhar, burgess of Abd. *v.* Wm. Cruikshank in Gardynsmill, John Gordon in Little Wranghame, Wm. Cruikshank in Colp, Wm. Horne there, Robert Maitland in Skairis, John Anderson in Waikmils, George Anderson in Doghillok, George Fergus there, Andrew Hall there, Wm. Edwart in Meikill Wranghame, Alexr. Skattertie there, John Horne there, Thomas Glennie and John Glennie in the Crofts of Meikill Wranghame, John Betie in Boigheid, Alexr. Anderson in Little Wranghame, Wm. Leslie in Scheil and George Cruikshank in Wranghame. The rents claimed for 1632 and Whitsunday, 1633, are given in full detail. Sasine produced but no date given. Each Defender was found liable in 13/4 of expenses.

16. **Nature of Action not disclosed.** Mr. Wm. Burnet, Minister of Kynnairnie *v.* the tenants of Midmar and Sunhonnrie.
20. **Nature of Action not disclosed.** Sir George Jonston of that Ilk, Wm. Forbes of Tolquhon, Walter Forbes of Thainstoun, John Forbes of Balnagask and John Forbes of Gask *v.* Patrick Burnet in Towie of Clatt, James Scott in Tailzeauch, Henry Layng there, Wm. Ingrahame in Maines of Drymminnor and Janet Forbes, widow of John Forbes of Craigtoun.

**Decree. Merchant's Account.** Peter Schewar, Merchant, burgess of Abd. *v.* Alexr. Duncan, Merchant in Kyncardyn. 42 merks for merchandise, with 18/- of expenses.

**Action for Implement. Absolvitor.** Thomas Davidsone, sometime in Bredhauch, then in Meikill Endovie *v.* Alexr. Forbes of Auchintowll. The Defender, as heritable proprietor of Bredhauch, had claimed from the Pursuer two years' rents of Bredhauch, amounting to 600 merks. An action had been raised in the Court of Session for recovery ; but the dispute had been verbally referred in Edinburgh to John Forbes of Balnagask, who had ordained Davidsone to grant Bond to Auchintowll for 510 merks. This had been done and the creditor had taken steps to enforce payment. In the present action Davidsone sought to enforce an alleged promise by Auchintowll that he would assist him in getting a Decree of Relief and payment against the laird of Caskieben, to whom the two years' rents had been paid and whose receipt for the same he had. On a reference to his oath Auchintowll denied that he made any such absolute promise and was assolizied.

**Decree. Meal, Furniture, &c.** Mr. Wm. Davidsone of Ord *v.* (1) Andrew Walker in Countasvalls, 10 merks and £16, for meal and corn, (2) Isobel Duthie in Angustoun and Wm. Thomsen there, her cautioner, £8 for an Almrie, (3) Andrew Smyth in Finnersie £6 for a bed, (4) James Ross in Lin £30 for "ane clock and borrowit monie," and (5) Alexr. Tailzeor in Kennertie 40/- borrowed money, with 13/4 of expenses against each Defender.

22. **Nature of Actions not disclosed.** Margaret Irwing, widow of John Seatoun of Disblair, and Wm. Gordoun, her husband *v.* Wm. Seatoun, elder, of Disblair.
27. **Wm. Keith of Garlogie *v.* James Mitchell, sometime at the Milne of Garlogie, then at the Milne of Corsinday.**



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- Novr. 27. **Action of Ejection.** The said James Mitchell *v.* the said Wm. Keith and Alexr. Rae at the Milne of Garlogie.

Nature of Actions not disclosed. Robert Annand, burgess of Abd. *v.* Alexr. Barroun in Noth, Thomas Ferrou in Tillothrowie and David Hervy, burgess of Abd., for his interest.

29. Wm. Leslie of Ryhill *v.* George Gordoun of Terpersie, Margaret Forbes, widow of John Leslie of Flinderis, and Olipher Gordoun, her husband.

Andrew Gray, appeirand of Schives *v.* Mr. Alexr. Gordoun, Minister at Glenmuck.

**Decree. Meal.** Robert Johnstoun in Udny *v.* Gilbert Mutche in Tulliegony. £12 for each boll of 10½ bolls of oat meal, which the Defender had obliged himself to pay and deliver before Martinmas, 1629, was sued for. The price was to be the same as that which Wm. Forbes of Tolquhone or the Pursuer should receive for ferme victuall that year. 16 merks per boll was decerned for.

- Decr. 4. **Decree. Forthcoming.** Mr. John Gregorie, Parson of Drumnaok, and Janet Andersone, his wife *v.* Sir Alexr. Irving of Drum, knight, and Robert Coutis of Ochtercoul and Wm. Coutis, his eldest son, for their interest. The elder and younger Coutis had become cautioners with Sir Adam Gordoun of Park, under a Bond dated 16 and 17 Novr., 1627, in favor of the Pursuers for 2500 merks, of which £1000 was still unpaid. Following up an arrestment used in Sir Alexr. Irving's hands, Decree of Forthcoming for that sum and £100 of interest now passed.

Nature of Actions not disclosed. Thomas Cargill, burgess of Abd. *v.* George Gareoche in Endovie and Wm. Gordoun of Kennertie, for his interest.

11. Bessie Duncane, widow of George Gordoun of Coclarochie *v.* Alexr. Strauchin, occupier of the "sone" half lands of Newbigging.

Beatrix Hay, widow of Mr. James Forbes of Knappernay *v.* Alexr. Fraser of Techmurie, John Fraser of Newburgh, his Tutor, and George Setoune at the Mylne of Balcarne, for his interest.

Mr. Wm. Barclay and Mr. Alexr. Davidsone, his Grace's Procurators Fiscal, and James Forbes of Tilligonie, for his interest *v.* James Smyth in Boighous of .

**Decree. Removing.** Sir Paull Meinzie of Kinnmundy, knight, Provost of Abd. *v.* Andrew Dawson, Thomas Morisone, Gilbert Johnstoun, Wm. Craigheid, Alexr. Wentoun and Wm. Davidsone, occupiers of Kinnmundie and Hill of Drumnagair. Two Sasines dated respectively 16 June, 1601, and 8 June, 1599. Notary, Walter Robert-sone.

13. **Decree. Wrongous Intromission.** Thomas Tailzior in Carnabo *v.* Wm. Richie in Craig of Cluny. The Defender admitted having taken from the Pursuer's house 7½ ells of thick gray claith which he was ordained to restore, or pay for at the rate of 26/8 per ell. Expenses 20/-.

## Aberdeenshire Sheriff Court :

1633.

Decr. 13. **Decree. Forthcoming.** Mr. Gilbert Paip, burgess of Abd. *v.* Andrew Meldrum, Bailzie, burgess, and Gilbert Cullen, burgess, and Isobel Walker, his wife, for their interest.

19. **Decree. Forthcoming.** Patrick Durwart, eldest lawful son of Malcom Durwart in Balnagowne, and Jean Chalmer, his wife *v.* Sir Alexr. Irving of Drum and Wm. Coutis of Ochtercoull, for his interest. 1000 merks decreed for. The Defender Wm. Coutis was the real debtor in this case.

**Decree. Forthcoming.** Mr. James Sandelandis, Doctor of the Lawis Commissar of Abd. *v.* Sir Alexr. Irving of Drum and Wm. Coutis, younger, of Auchtercoull, for his interest. The claim here was founded on a Bond for 2000 merks granted by Sir Alexr. Gordoun of Cluny as principal, along with Wm. Coutis Fear of Auchtercoull, Wm. Gordoun Fear of Sauchane, Wm. Gordoun of Cottoun and Mr. Thomas Gordoun of Pettindreiche as cautioners, dated 20 June, 1630. Decree passed for 1833 merks.

20. **Decree. Abstracted Multures.** James Bruce at the Scots Mylne of Craig of Innergie *v.* James Fraser, Wm. Bruce, George Patersone, John Craik, Thomas Robertsons, Cotter, Alexr. Bruce, Patrick Robertsoun, Thomas Robertsons, Beatrix Tailzeor all in Thundertoun, Wm. Brig in Fortrie and Gilbert Mitchell in Cocklaw. The years mentioned were 1629, 30, 31 and 32, and the price of the boll of meal and bear overhead £6.

**Decree. Rent.** John Duff, burgess of Abd. *v.* Alexr. Hill, Gardener there. The Pursuer, in respect that the Defender had not timeously renounced the subjects, claimed 40 merks and three "furris of kell pryce thair of thrie pundis" as rent for crop and year 1633. The subjects were described by the Pursuer as "his great yaird on the north syde of the said burgh and Castellgait thair of lying at the north pairt of the persewars inner yaird at the south his nather yaird at the eist and the yaird pertaining to the persewar and James Robertsons at the north."

1634.

Jany. 8. **Decree. Abstracted Multures.** Andrew Burnet, burgess of Abd., as heritable proprietor of the Miln of Bonytoun *v.* Wm. Cruikshank in Curtestoun and Wm. Andersone, Merchant in Bonytoun. Cruikshank appeared and admitted a small part of the claim. Andersone denied being due anything and was assolizied.

15. **Decree. Damage by Trespass of a Horse.** Wm. Mintie in Drakismyres of Garnistoun *v.* Wm. Meldrum, sometime in Straquharrie, then in Fouldsie. The text bears that the Defender did not appear and that decree passed "in penam contumacie," but on the margin is written "Tandem compeirit Wm. Meldrum & be vertew of his aith absolvit himself fra the haill clame. Denyes the haill clame upone his gryt aith. William Meldrum."

**Decree. Rent and Removing.** Bessie Duncan, widow of George Gordoun of Cocklarachie, as liferentrix *v.* Alexr. Straquhan, occupiar of the sone half lands of Newbigging in Drumblat. Two Sasines were produced dated respectively 23 May and 8 August, 1617. Notaries Mr. Robert Bisset and George Jop.

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- Jan. 17. **Decree. Abstracted Multures, &c.** James Wilsone in Druminor *v.* George Clerk in Castilhill and a large number of others. Expenses 6/8 each.

**Decree. Damages. Trespass of Cattle.** Alexr. Hervie in Grandhome *v.* John Fraser in Wattertoun. The Pursuer had growing crop upon the lands of Wattertoun in 1632 and the Defender was ordained to pay the price of the "brokit" oats eaten and destroyed at £3 per boll according to the "feiris of the said yeir." Expenses 26/8.

22. **Decree. Damages. Trespass of Cattle.** Bessie Duncan in Begishill *v.* Katherine Smyth, widow of George Mackie, sometime in Denend, and Wm. Cruikshank, her husband. The years mentioned were 1631, 2 and 3 and the price was fixed for oats and calf corne at £4 per boll overhead.

**Decree. Damages. Not entering to Service.** George Barclay, servitor to Andrew Meldrum, Baillie, burgess of Abd., and Bessie Duncane in Begishill, his mother *v.* Robert Knight in Adamestoun. The Defender had feed himself as a harvest hand, but had failed to implement his engagement. The damages sought for and awarded were £10, "ane pair of new shone" at 16sh., "ane peck of meill" 12sh. and "ane peck of salt" 12sh. Expenses 13/4.

24. **Decree. Loan. Liability of Cautioner.** Mr. Matthew Lumsden, burgess of Abd. *v.* John Calder of Migvie, as cautioner for John Andersone in Pettintagart in a Bond for £25 7/- and interest. Expenses £3.

**Decree. Delivery of a Blank Bond and Payment of Merchandise.** George Johnstoun, elder, burgess of Abd. *v.* Alexr. Hay of Crimongorth. For non-delivery of a blank Bond in the circumstances set forth in the decree, the Defender was ordained to pay to the Pursuer £40 with interest from May, 1625. Also £10 6/8 for each of 4 bolls victual, crop 1629. Also for "merchandries ane quart stoup and ane pynt stoup of Flanders Tune." £12 6/8. Expenses 26/8.

- Feb. 7. **Decree. Forthcoming.** Alexr. Chalmer, Merchant, burgess of Abd. *v.* Thomas Symson, Merchant in Auld Abd., Robert George, Smyth there and Alexr. Tellie there and Andrew Robertson in Wattertoun, for his interest. The ground of action was a Bond by Robertson for 35 merks, dated 16 April, 1621, and registered in the Sheriff Court Books, 14 August, 1622. Following up arrestments used in their hands, the Defenders Symson, George and Tellie, were ordained to make forthcoming 5 merks £10 and £4 3/4 respectively.

12. **Decree. Rents.** George Johnstoun, younger, burgess of Abd. *v.* John Chalmer, Messenger in Auld Abd., Robert George, Wm. Fyff, Alexr. Tellie, John Forbes, John Fraser, Robert Bauerlay, Mr. George Clerk, Thomas Merser, James Innes, George Kyng and John Mowat, all in Auld Abd. The Pursuer stated in his summons that he had right from Sir Alexr. Gordoun of Cluny, knight baronet, to the "teynd beir corne fodder and pruiif of the east halff and teritorie of the crofts of the burgh of New Aberdein pertening to Alexander Gordoun eldest lawfull sone to umquhill Patrick Gordoun of Bursmoir takisman thair of under the Bischope of Aberdein and also the hail feue ferme beir of the said Alexander Gordoun his lands crofts and ruids lyand in the teritorie of the crofts of Auld Aberdein" for crops 1632 and 1633. It was the beir for their occupation of the Old Abd. crofts during these years that the Defenders were sued for and were ordained to pay at the rate of £8 and £10 per boll respectively.

## Aberdeenshire Sheriff Court :

1634.  
Feby. 19.

**Decree. Spuilzie of a Cow.** Mr. Andrew Massie, Minister at the Kirk of Drumblait *v.* James Cheyne in Kirkcoun of Drumblait. A "Blak hornit milk kow" was said to have been taken away in October, 1632. The value was stated at £24. The exrescent profits were calculated at  $\frac{3}{4}$  per day in "milk labour and fuilzie" besides a calf yearly valued at £4. The case was defended and evidence led. In the end decree passed for £24 with 40/- of expenses, no exrescent profits being given.

**Decree. Forthcoming.** James Drum, burgess of Abd., as assignee of Robert Forbes of Auldtoun of Wardes *v.* Robert Fergusson, burgess of Abd., and John Ross at the Milne of Turreff, for his interest, as principal, and Thomas Gordoun and Alexr. Mitchell, burgesses of Abd., as cautioners. The ground of debt was a Bond for 300 merks, dated 20 Novr., 1630, and registered in the Books of Council and Session, 30 April, 1632.

**Decree. Forthcoming.** Sir Alexr. Irving of Drum *v.* Robert Fergusone, burgess of Abd., and John Ros at the Mylne of Turreff, for his interest. Ross was indebted to the Pursuer in the sum of £120 borrowed on 13 April, 1625.

**Decree. Forthcoming.** Patrick Farquhar, burgess of Abd. *v.* the said Robert Fergusone and Robert Ros. The debt in this case was £52 borrowed in 1633.

Nature of Actions not disclosed. Alexr. Straquhan of Glenkindie *v.* Alexr. Gib in Shives.

Patrick Strathauchine of Kinadie, donator to the liferent escheit of Janet Keyth, "guidwyff" of Touxhill, who was liferentrix of Clofrikfuird, and Alexr. Straquhan of Glenkindie, heritable proprietor thereof *v.* George Cantlay in Clofrikfuird.

George Mcingzeis, burgess of Abd. *v.* Andrew Hunter, sometime of Grandhome, and Duncan Davidsone there.

24. **Decree. Arrears of Rent.** Sir George Johnstoun of that Ilk, Wm. Forbes of Tolquhon, Walter Forbes of Thainstoun, John Forbes of Balnagask and John Forbes of Gask *v.* Wm. Ingrahame in Towie of Clatt, Patrick Burnet there, Henry Lang in Tailzeauche, James Scot [or Stot], elder, there and Janet Forbes, widow of John Forbes in Craigtoun. The Pursuer's title to the back rents claimed for the years 1621 to 1630 was an assignation granted by Alexander, Master of Forbes, dated 17 August, 1630.

27. **Decree. Desertion of Occupation.** George Cruikshank in Flinder and Marjorie Schand, his wife *v.* John Leslie in New Flinder. The subjects let to the Defender were the "half toun landis of Auld Flinder," to which the Defender was ordained to re-enter, to build the house and stock the possession.

**Decree. Arrears of Rent.** Alexr. Gray in Peterheid *v.* Thomas Murray in Cairneurchie and Wm. Murray in Fetterangous. The rents of Fetterangous in 1627, 1628 and 1629 were decerned for.

Mar. 5. Nature of Action not disclosed. Alexr. and Wm. Meassone in Auld Abd. *v.* Robt. Orum, Cordoner there.



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- Mar. 5. Nature of Actions not disclosed. George Middiltoun in Auld Abd. v. Wm. Dun in Clubisgowill.

Mr. Alexr. Scrogie, Doctor of Divinitie, Minister at St. Machar Kirk in Auld Abd. v. Andrew and George Simmers in Disblair, William Setoun, elder, of Disblair, Isobell Setoun, his wife, and Wm. Setoun, their son, for their interest. On the margin there is this marking "15 March 1638 I Mr. Alexr. Scroggy son to the persewar resaut up the lybell & compulsator with all producit in this proces. Mr. Al. Scrogie."

**Decree. Abstracted Multures.** Andrew Burnet, elder, burges of Abd., proprietor of Mylne of Bonitoun v. Thomas Farquarsone in Langheid of Bonitoun.

11. **Decree. Dyer's Accounts.** Patrick Jack, younger, Litster, burges of Abd. v. (1) Helen Setoun, wife of Wm. Innes of Tibbertie and her husband, £11 10/6; (2) John Gordoun of Petlurge, £47 6/8; (3) Margaret Balfour, wife of John Gordoun of Dowchries, £12 0/3; (4) Isobell Fraser in Rivehill and John Forbes, her husband, £6 10/-; (5) James Hempseid in Streichin, £3 5/-; (6) Katherine Keyth and Wm. Leask of that ilk, her husband, £11 5/-. Expenses 10/- each.

**Decree. White Meal.** John Touche, Baxter, burges of Abd. v. Andrew Currie in Kowstains, £30 7/- as the price of ten firlots three pecks of "Quhyt meill" sold by the Defender to the Pursuer and paid for but not delivered. Expenses 13/4.

12. **Decree. Merchandise.** Wm. Howiesone, burges of Abd. v. John Kempt in Scottistoun. £11 4/- for merchandise sold and delivered, with 20/- of expenses.

**Decree of Supplement. Rents.** Alexr. Irving of Wasttoun v. John Reid, Bessie Pattoun, Wm. Reid and Wm. Fyff, all sometime in Wasttoun. The Acts of Court of Wasttoun were dated 23 July and 17 Decr., 1633.

**Decree. Dyer's Accounts.** Patrick Jack, elder, Litster, burges of Abd. v. (1) Janet Gibsone at the Mylne of Leask, £4 18/4; (2) John Banerman in the Deanes of Peterheid, 5 merks; (3) Andrew Meldrum in Templand of Auchterles, £17 6/-; (4) Isobell Barclay in Leuchellbraye, 5 merks, and (5) Mary Cruikshank and George Leslie in Rottmaes, 4 merks. Expenses 10/- each.

15. **Decree of Supplement. Rents.** Mr. Alexr. Scrogie, Doctor of Divinitie, and Minister in Auld Abd. v. Robert Joise in Learishill, Wm. Sangister in Kavell and Thomas Pirie at Mylne of Kavell. The Act of Court of the lands was dated 16 Octr., 1633.

**Alleged Spuilzie of a Horse. Absolvitor.** Patrick Gordoun in Cottoun of New Leslie v. Wm. Andersone in Curtestoun. The Defender's case was there had been a "niffering" between them for an exchange of horses and no spuilzie. This defence was held to be relevant and thereafter to have been proved, and the Defender was assoilzied.

19. **Decree. Loans.** John Kar or Ker in Graystaine v. (1) James Chalmer in Meikill Endowie, £4; (2) Robert Kaird there, £10, and (3) George Calder in Colmellie, 28 merks. Expenses 10/- each.

## Aberdeenshire Sheriff Court :

1634.

Mar. 19. **Decree of Supplement. Rent.** George Midiltoun in Auld Abd., Chalmerlayn to the Marquis of Huntly *v.* Wm. Dun in Clubisgowell, of which Lord Huntly was proprietor. The Court of the Lands had been held at Pervinies on 14 May, 1633, by Alexr. Gardyn, burgess of Abd., "baillzie to ane michtie and nobill Marqueis," &c.

**Action of Supplement. Rent.** Wm. Settoun of Schethin, as Tutor Dative of Alexr. Fraser of Techmurie *v.* Wm. Daniel in Quynzeich. The claim was the balance of rent of the "tua schadow pleuchis of the Maynes of Parcok callit Hawandsteinkill," crop 1629, according to the "fearis of the said year. The Court was one of the Barony lands of Parcok and had been held within the "orchart yaird of the samen" on 29 May, 1630.

Nature of Actions not disclosed. George Johnstoun, younger, burgess of Abd. *v.* Jean Liddell, widow of Alexr. Rutherford, sometime Provost of Abd.

Andrew Barclay of Auchreinzie *v.* Thomas Craigheid at the Chappell of Fiddes.

The same pursuer *v.* Alexr. Grig in Auchmacher.

Sir George Ogilvie of Banff, knight baronet *v.* John Michell in Aillhous of Fiddes.

20. Sir George Ogilvie of Carnusies, knight baronet *v.* Wm. Browne, sometime at the Milne of Knokleyth, then at the Milne of Badinscoth, and Robert Browne, then at Milne of Knokleyth. There was produced for the Pursuer an Instrument of Sasine, but without the date being mentioned.

21. Alexr. Irvine of Murthill *v.* Patrick Leyth in Fortrie and George Johnstoun in Oykhorne.

22. **Decree. Market Dues.** Patrick Leyth of Kirktonne of Rayne *v.* James Oge in Insche and Helen Binnie, his mother. "The sowme of Aucht pundis money of the rest of Customes of Andersmis Fair last haldin in Kirktonne of Rayne." Expenses 26/8.

**Decree. Corn and a Horse.** George Leyth of Thriefield *v.* (1) Thomas Farquharsone in Lonheid of Bonytonne £17 6/8 for corn bought of crop 1632, and (2) George Gordoun in Gettsyd 18 merks for a horse bought. Expenses 26/8.

26. **Action of Forthcoming.** Thomas Cargill, burgess of Abd. *v.* Adam Leyth in Auchleuchries, Robert Knox, Mylvart at the Myln of Auchleuchries, John Gordoun of Auchleuchries and James Ogilvie of Auchleuchries, for his interest. Letters of Horning from the Court of Session containing arrestment were produced.

**Decree. Borrowed Money.** Robert Irving of Moncoffer, as assignee of Patrick Frost in Fornat, husband of Elspet Malice *v.* Isobel Malice in Kintoir. 76 merks and interest with 40/- of expenses.

28. Nature of Actions not disclosed. Alexr. Forbes, eldest lawful son of Wm. Forbes of Barnes and heir of the late John Forbes of Barnes and assignee of his father *v.* Susanna Leyth, widow of the said John Forbes of Barnes.

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1634.

Mar. 29. Robert Merser, Messenger in Abd. v. Mr. David Lindsay, persone of Balhelwies, Alexr. Tullidaff of Grigs Ardo and Thomas Turing, brother german of the laird of Foverane, for his interest.

**Decree. Wine.** Mr. Henry Buchan, burgess of Abd. and Isobel Robertstone, his wife v. Jean Rutherford, wife of James Gordoun of [or in] Tillisowell, and the said James Gordoun. £80 as the price of "certane wyne" with 26/8 of expenses.

**Decree. Rents and Removing.** Elizabeth Setoune, widow of John Urquhart of Craigfintray, and wife of Alexr. Fraser, younger, of Philorth v. James Mylne at the Mylne of Creichie in the parish of Fyvie. The Pursuer was liferentrix of the lands. Expenses 40/-.

**Decree. Wrongous Intromission.** Wm. Ducane in Frosterhill v. David Moir there. The Defender had taken five "yowes of four yeiris auld quhyt wollit accept ane thair of bruikeit." They were valued by the Pursuer and the Court at 5 merks each. 10 merks were asked for the profits of the ewes in "lambes woll butter and cheis" but nothing was given under this head. Expenses 40/-.

## Illustrative Examples taken from Vol. III. of Decree Books

### Wages of a Herd

(22 Febr'y 1632)

The said day in the actione and caus persewit be Williame Forbes in Kynmundie agains Williame Gordon now in Culter, Tuitcheing the persewares clame asking at the defendar . . . . twa peckis meill ilk weik frae Ruidday to Mertimes for sustentatione of ane Hird in anno 1630 yeirs extending in the haill to thrie bollis and ane half pryce of the boll ten pundis thrie ellis Grayes new cloith quhilk the persewar gaiv to ane Hird pryce of the ell threttein sh. iiij d. thrie ellis new Harden pryce of the ell four shilling tua paires of new Shoon pryce of the pair sex shilling aucht pennies and tua merks of fie quhilk the persewar gaiv the Hird the said defendar being oblist to give ane sufficient Hird quhilk wes not done and swae the persewar haiving giwin and peyit no less to ane Hird the defendar aucht to repey the samen, And that Hirds uses to get the like [The Pursuer's Oath of Verity having been taken and certain witnesses examined the Sheriff] DECERNIT and ORDAINIT the said defendar to pey and delyvir to the said persewar . . . . ane peck & half ane peck meill weiklie frae Ruidday to Mertimes for sustentatione of ane Hird in the said yeir of God 1630 yeirs pryce of the boll ten pundis monie with thrie ellis new Grayes pryce of the ell threttein shilling four pennies with thrie ellis new Harden pryce of the ell four shillings togidder with tua paires of new Shoon pryce of the pair sex shilling aucht pennies, . . . And ordainit preceptes [&c., &c.]

### Decree for Implement. Innominate Contract

(15 March 1633)

THE SAID DAY anent the actione and caus persewit at the instance of John Smyth in Dames agains John Calder younger now in Abd Tuiching the persewars lybell MACKAND MENTIONE that quhair in the moneth of Merch or thairby <sup>im</sup> vic threttie tua yeirs the said John Calder being in possessione of aucht oxingeat lands of the toune and lands of Auld Waster Eight lyand within the parochin of Eight and Shrefdome of Abd and he havcing as he alledgit tua yeirs tack thairof of the laird of Eight heretor of the samen eftir the feast and terme of Witsonday last bypast the said John Calder promeist faithfullie to the said Complenar tua oxin



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viz the said complenar to have the best of his oxin and the said defender to have the nixt tua and the said complenar the uther fourt best upone conditione gif the said complenar wald tak his said possessione and mak him frie thairof at the said laird of Eight his hands for the saids tua yeirs then to cume And trew it is that the said complenar acceptit the said conditione and hes tan possessione of the said aucht oxingeat lands and gottin tak and assedatione thairof for sundrie yeirs to cum of the said laird of Eight Lykas the said defender renunceit the saids lands in favors of the said laird of Eight befor Witsunday And thairfor the said defender sould be decernit be decreit of Court ordour of law and justice to pay and delyuer to the said complenar the saids tua oxin pryce of the best thairof twentie four pundis and the pryce of the uther twentie pundis monie and sua he sould pay the saids oxin or prynces thairof be reasone the said defender promisit the saids tua oxin to the said complenar and to Alexr Smyth his brother upon the conditione above specifeit and that the said complenar hes enterit to the possessione of the said aucht oxingeat lands and trew it is that the said defender hes failzeit in his pairt thairof and thairfor the said defender sould be decernit to pay the said tua oxin or pryce thairof aboue specifeit quhilk he refusiss to doe as is alledgit and thairfor the said defender to heir and sie the premissis verifiet and provin and being fund of weritie himself decernit be decreit of Court ordour of law and justice to pay and delyuer to the said complenar the saids tua oxin of the prynces forsaid or then the saids prynces thairfor and for the reasones and caussis forsaid or then to alledge as in the said persewars lybell at mair lenth is contenit COMPEIRIT Alexr Thomsons pror. for the said persewar and producit ane summons dewlie execut and indorsat to this day agains the said defender to heir and sie decreit and finall sentence pronuncit in the said caus and desyrit the said sentence to be pronuncit And the said defender COMPEIRAND be Mr Alexander Paip his pror. THE SHIRREF DEPUT forsaid haweing hard sein and considerit the said persewars lybell defendares defenssis and eikes ansuers and replies maid thairto haill proces and probatione led and deducit in the said caus and thairwith being ryplie and at lenth advysit conforme to the said lybell DECERNIT the said defender to pay and deluyir to the said persewar Tua oxen pryce of the best thairof twentie four pundis monie and pryce of the uther twentie pundis monie or then the saids prynces thairfor AND THAT BECAUS It was alledgit and peremptorie exceptit be the said Mr Alexr Paip pror. for the said defender that the promes lybellit wes upone conditione that upone the morne eftir the making of the said promes that the persewar and the defender sould have gon togidder to the laird of Eight then the defenders maister quhom of he haid tua yeirs tak of the lands lybellit and give the said laird of Eight then acceptit him tennent and [the defender] wan frie of his said tack at

## Aberdeenshire Sheriff Court :

the lairds hands then and in that caice the persewar sould have haid the oxin lybellit not granting anie pryces lybellit and give the laird upone the morne receavit him not to be tennent that ilk day the said defender sould be frie of anie promes lybellit and that the persewar sould have payit to the defender ane hundreth merks in caice the laird of Eight resaiuit him not his tennent upone the morne eftir the alledgit promes quhilke the laird did not bot absolutlie refuisit the said persewar for the said defender his renunceatione the defender payit guid deid to his said maister viz fourtie merks and receavit the said laird his discharge thairon and wald navayes quyt the defender except he haid givin the said soun of fourtie merks aboue writtin But trew it is that upon the morne the laird absolutlie refuisit the persewar to be tennent and thairfor the defender aucht and sould be frie of ony promes for albeith the persewar be now tennent to the laird of Eight it wes not upone the conditione forsaid, **QUHILK EXCEPTIONE** being fund relivant be the said Shref deput wes admittit to the said defenders probatione and dyvers termes being assignit to him for proveing thair of peremptorie he failzeit and succumbit in probatione of the samen as was cleirly understuid to the said Shref deput be the depositiones of certane famous witnessis resauit admittit and suorne on the said exceptione And thairfor the said Shref deput decernit conforme to the said lybell in maner aboue exprest with the soume of four pundis monie maid in persuit of the said caus for expenssis of pley and ordanit precepts [&c., &c.]

### Decree of Supplement

(24 July 1633)

The said day anent the actioun and caus of Suppliment persewit at the instance of Mr Gilbert Keyth Minister at Skeyn agains Thomas Law in Littill [sic] Flindersie Tutching the persewars lybell desyring the defender to heir and sie our authoritie interponit in Supplimentum justicie in and to the court act quhair of the tenour followis The court of the third pairt lands of Littill Finersie haldin in the hous of Thomas Law thair upon the tuentie aucht day of June <sup>im</sup> vic threttie thrie yeirs Be Wm Keyth in Auchincloch baillzie to Mr Gilbert Keyth Minister at Skeyn heretabill proprietar of the forsaid third pairt lands of Littill Finersie Wm Elmslie notar publict court clerk Johne Keyth officer Wm Rurie dempster the suitts callit the court lauchfullie fensit and affirmit The said day compeirit the said Mr Gilbert Keyth and comptit and racknit with his tennent Thomas Law in Littill [sic] Flindersie and fand him restand awand nyn bollis meill thrie pecks tua haddisches les with tua bollis malt for his fermes and dewtie of the cropt and yeir of God <sup>im</sup> vic threttie tua yeirs Compeirit also the said Thomas Law and confessit the fairsaid ground dewtie to be instlie restand awand upon the

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quhillk confessioun the bailzie fairsaid decernit the said Thomas Law to pey the fairsaid victuall to his maister within terme of law and failzeing thair of ten merks for ilk boll meill and tuell merks for ilk boll malt quhairupon the said Mr Gilbert tuik act and instrument Extract per me Ita est Willielmus Elmslie not: pub: scribaque dictae curiae And that be reasone the said victuall is restand awand as yit and that the defender hes removeit his guidis and geir of of the saids lands sua that the officer thair of can not put the said act to executioun and that the said officer refuissis to doe the samen And for the reassones and caussis fairsaids and utheris to be alledgit or then to alledge with certificatioun as effeiris as in the said persewaris lybell at mair lenth is conteinit COMPEIRIT Alexander Thomson pror. for the persewar and producit the said lybellit summons dewlie execute . . . . and the said act of court and . . . desyrit the said Shref deput to interpon his authoritie in and to the said act in supplimentum justitiae And the said said defender being oft tymes callit and not compeirand . . . . THE SHIRREF DEPUT . . . . interponit his authoritie in supplimentum justitiae in and to the said Act of the said third pairt lands of Littill Finersie and ordanit precepts [&c., &c.]

### Decree for Recovery of Escheated Estate

(15 May 1633)

The said day anent the actione and caus persewit at the instance of William Layng in Barflet Assigney lauchfullie constitute be Mr Alexr Reid Wreittar agains John Jamesone in Tillienessell Alexr Shreff in Scottismilne Patrick Smyth in Auchlyn and Janet Gib his mother TUITCHING the persewares lybell MAKAND MENTIONE That quhair the said Mr Alexander Reid hes be gift of his /Ma/ his airis and Assigneyis the escheit of all guidis geir moveabill and unmoveabill taks steddings rowmes possessiones actis contractes actiones decreits obligationes reversiones sentences assignationes sowmes of monie horss nolt sheip cornes cattell insicht plenishing and utheris guidis and geir escheatable quhatsumewir quhilks perteinit of befor to umquhill Williame Smyth sumtyme in Auchlyn and now perteining to his /Ma/ and become in his hands and at his /Ma/ gift and dispositione be reason of escheat lawes and pratique of this realme and privedge of his /Ma/ crown throw being of the said umquhill Williame Smith upon the tuentie ane day of October <sup>im</sup> v<sup>ic</sup> tuentie aucht yeiris ordorlie denuncit rebell and putt to his /Ma/ horne be wertew of letters of horning raisit and execute agains him at the instance of James Wilson in Behanye for not payment making to him of the sowme of ane hundreth merks money principall with fyftie merks money of liquidat expenssis conteinit in ane obligatione maid to

## Aberdeenshire Sheriff Court :

the said James Wilsone thairupon be Robert Gordon in Newbiging in Clat as principall Wm Towar in Auchmeinzie and the said umquhill Williame Smyth his cautioneris and full debtores of the daitt the fyfteint day of Merche <sup>im</sup> vic and sextein yeiris and registrat in the buiks of Counsell upon the tuelt day of Appryle <sup>im</sup> vic and tuentie sewin yeiris as in the saids letters of horning direct thairanent executiones and indorsationes thairof dewlie registrat and utheris letters of Gift respective maid to the said Mr Alexander Reid under his /Ma/ privie seall thairupon of the daitt the tuelt day of December <sup>im</sup> vic and tuentie aucht yeiris at mair lenthe bearis Quhairupon the said Mr Alexander Reid as donator forsaid upon the sext day of Merche <sup>im</sup> vic and tuentie nyn yeiris obtieinit ane Decreit of General Declarator befor the Lordis of Counsell agains the said umquhill Williame Smyth and all and sundrie utheris haiving or pretendand to haive entres finding and declaring that the said umquhill Williame wes ordorlie denuncit his /Ma/ rebell and putt to the horne for the caus aboue specifeit And that for the samen caus the gift of escheat wes desponit be his Maiestie to the said Mr Alexander Reid donator forsaid as is aboue exprest Lyk as the said Mr Alexr Reid be wertew of his letters of Assignatione of the daitt the fyfteint day of October <sup>im</sup> vic and tuentie nyn yeiris for the caus thairin specifeit maid and constitute the said complenar his lauchfull Assigney in and to the said Gift decreit and declarator and haill letters raisit thairon and to the guids and geir escheatabill of the said umquhill Williame throw being denuncit his /Ma/ rebell for the caus forsaid AND sieing the said complenar as Assigney forsaid hes now guid and undoubtit richt to all and sundrie the guids geir moweabill and unmoweabill debtes taks steddingis rowmes possessiones actes contractes actiones decreitis obligationes reversiones sentences assignationes sowmes of money gold silver horss nolt sheip cornes cattell insicht plenishing and utheris guids and geir escheitabill quhilks perteinit to the said umquhill Williame rebell aboue namet the tyme of the denunciatione of him forsaid or at any tyme sensyn And that the samen now apperteins to the said complenar assigney forsaid And that he sould be ansuerit obeyit and peyit thairof conforme to the lawes and pratique of this realme, and his Maiesties utheris letters of Gift grantit thairupon in all pointes And albeit it be of veritie that the persones particularie under wreittin war adebtit and restand awand to the said umquhill Williame the tyme forsaid of the denunciatione of him to his Hienes horne for the caus aboue wreittin the particular sowmes of monie guids geir and utheiris eftir specifeit viz John Jamesone in Mongarrie as principall and Alexr Shreff in Scottismilne his cautioner and full debtor the sowme of Tua hundreth pundis Scottis monie quhilk sould haiw bein peyit upon the tuentie day of Nouember <sup>im</sup> vic and sextein yeiris conforme to thair obligatione subscriuit with thair handes



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And sicklyk that the said umquhill Williame haid perteing to him the tyme of the denunciacione forsaid and in his possession the tyme of his deceis the guidis geir horss nolt sheip cornes and utheris eftir specifeit of the pryces and valor undervreittin mellit and intromettit with be Patrick Smyth in Auchlyn thriescoir heid of sheip pryce of the peice threttie thrie shilling four pennies Item fyv tua yeir old nolt pryce of the peice ten merkis Item fyv yeir old nolt pryce of the peice four pund Item three four yeir old nolt pryce of the peice sextein merkis Item ane stirk ganging in Cadie four pund Item nyn oxen pryce of the peice ten pund Item four horss at tuentie merks the peice. Item sextein bollis bear with the fodder in the yard and barne pryce of the boll aucht punds Item thrie scoir bollis small aittis pryce of the boll four merkis Item threttie bollis intoun aittis pryce of the boll with the fodder fyv punds Item the insicht and plenshing estimat to ane hundreth merks Item the said defunct Wm Smythis warkloomes estimat to ane hundreth merks Item mellit with be Janet Gib in Auchlyn tuentie bollis aittis pryce of the boll fyv punds Item ane stand bed and kist for cloithes pryce thair of ten merks Item ane kow pryce thair of ten punds Quhilks guidis geir and utheris forsaid pertein to the said rebell the tyme of his denunciacione to the horne and consequentlie sould now appertein to the complenar as donator thairto And that the said complenar assigney constitute be the donator aboue namet hes now guid and undoubtit right to the forsaid sowmes of money guidis geir and utheris aboue exprest be wertew of the saids letters of gift and decreit of declarator forsaid following thairupon Neurtheles the foirnamet persones ounawayes will mak payment to the said complenar . . . . And thairfoir the said defendares to heir and sie themselfis decernit . . . . to mak payment . . . . THE SHIRREF DEPUT forsaid haiweing hard sein and considerit the said persewares lybell haill proces and probatione led deducit and thairwith being ryplie and at lenth advysit conforme thairto DECERNIT the persones particularlie under namet to mak peyment and delyverance to the said persewar as assigney lauchfullie constitute be the said Mr Alexr Reid donator to the escheit guidis and geir of the said umquhill Williame Smyth sumtym in Auchlyn [here follows a decree exactly in terms of the prayer] AND THAT BECAUS the said persewares lybell being fund relivant and admittit to his probatione he werifiet and provet the samen sufficientlie as wes cleirly understuid to the said Shref deputt be productione of the saids letters of gift and decreit of generall declarator following thairon And of the saids John Jameson and Alexr Shref thair obligatione on the said tua hundreth punds and sicklyk of the said Mr Alexr Reid cedent and assignatione and als be circumductione of the saids defendares thair aithes or veritie in quantum facti being lauchfullie summondit for that effect and not compeirand lauchfull tyme of day being biddin and thairfoir the said Shref deput decernit in maner forsaid and ordanit precepts [&c., &c.]

# Aberdeenshire Sheriff Court:

## Damage to Crop. Outgoing and Incoming Tenant.

### Custom of the Country

(27 March 1633)

The said day anent the actione and caus persewit at the instance of Jaspert Cuschnie sumtyme in Brotherfeild and now in Hoilmiln agains Johne Findlay now in Brotherfeild and James Irwing thair Tuitching the persewares lybell MAKAND MENTIONE That quhair he wes tennent of the saids lands of Brotherfeild cropt and yeir of God i<sup>m</sup> v<sup>c</sup> threttie ane yeiris and haiveing removet thairfrae at the feast and terme of Witsonday in the said yeir and left his cornes growand thairon John Findlay now in Brotherfeild and James Irwing thair or ather of them being entrant tennentes at the said terme to the said complenar his possession of the saids lands of Brotherfeild and the said complenar haiving comprysit<sup>1</sup> his cornes growing on the saids lands at his removeing thairfrae about Lambes and at his entrie to shear the samen And thair was eattin and destroyed of the said complenares cornes the said cropt befor Lambis tua bollis brockit aittis ane boll and nyn pecks blaudit aittis with ane firloft bear And that thair was eattin of the samen cornes befor the complenar entrit to shear the samen thrie bollis half boll brockit aittis togidder also with thrie firloftis aittis for ane nichtes lair of thrie horsse eftir the persewares entrie to shear the cornes with ane boll aittis for ane nichts lair of four horsse at sundrie tymes thaireftir pertaining to the saids defenderis Togidder with half boll aittis eattin and destroyit be thair guidis thaireftir at the Bakies pryce of the boll aittis ourheid with the fodder the said yeir fyv merks pryce of the boll bear aucht merkis And that it is of veritie that the saids defendars or ather of them war interand tennentes to the said complenar his possession forsaid And that he haid causit compryse his cornes in maner forsaid And that the aboue wreittin quantities of bear and aittis war eattin and destroyit of his saids cornes in maner forsaid And that it is the use and custome of the countrie that all interand tennentes sould pay the skaith done to the removeand tennentes corne Togidder with four bollis aittis pryce forsaid eattin be thair guidis by<sup>2</sup> the cornes forsaid eftir the comprysingis with four bolls eattin be thair guidis in the corne yard pryce forsaid And thairfoir the saids defendares or ather of them to heir and sie themselfis decernit to pay and delyver to the said complenar . . . . . COMPEIRIT Alexr Thomson pror. for the persewar . . . . . and the saids defendares COMPEIRIT be Mr Alexander Gardyn thair pror. THE SHIRREF DEPUT forsaid haiving hard sein and considderit . . . . . DECERNIT the saidis defendares equallie betuixt them to pay and delyvir

1 Meaning estimated or valued.

2 Over and above.

### Decree Books : Vol. III., Illustrative Examples

to the said persewar the number of sex bollis ane peck brockit aittis with ane firloft bear eattin and destroyed of the saids complenares cornes of Brotherfeild croft im<sup>ie</sup> vi<sup>e</sup> threttie ane yeiris they being intrant tennents And sicklyk DECERNIT the said Johne Findlay to pay and delyvir to the said persewar ane firloft aittis and the said James Irwing half ane boll aittis eattin be thair guidis in the said persewar his corne yard croft forsaide pryce of the boll aittis fourtie shilling aucht pennies and of the boll bear four pund sex shilling aucht pennies AND THAT BECAUS it was alledgit and peremptorie excepted be the said Mr Alexr Gardyn pror. for the saids defendares that they sould be absolut frae the said persewares [claim] And that becaus they offer them to prove as accords of the law that the persewar dischargit and quytit all eattin and destroyit cornes that the persewar nicht lay to their charge befor putting huik in the cornes and befor Barthol day they keiping the fauld with thair guidis in tyme thaireftir quhilk they did and suae the defendares sould be assoilziet QUHILK EXCEPTIONE being fund relivant be the said Shref deput wes admittit to the defendares probatione and ane terme being assignit for proveing thair of he [? they] succumbit in probatione of the samen as wes cleirly understuid to the said Shref deputt And als becaus the said Johne Findlay grantit ane firloft aittis eattin be his guidis eftir the comprysingis And that the said James Irwing grantit half ane boll aittis eattin in lyk maner be his guidis eftir the comprysingis lybellit And thairfor the said Shref deput decernit in maner forsaide with the sowme of thrie pundis monie equallie betuixt them for expenssis of pley maid in persuit of the said caus and assoilziet the saids defendars frae the superplus of the persewares lybell and maid them quyt and frie thair of in all tym cuming and ordanit precepts [&c., &c.]



## The Decree Books: Vols. IV., V., VI. and VII., 1634-42

Volume IV. is not, strictly speaking, a Decree Book. It is really a Diet Book of Interlocutory procedure beginning on 16 April, 1634, and if any intelligent care had been taken by those responsible for the present titles, they must have observed, amongst a great deal of other writing, on the fly leaves at the beginning these words, "Actis and Interloquitoris begune 16 April 1634." The last entry is dated 3 June 1641, and the volume is only noticed here for the purpose of explaining that, as the entries in it merely lead up to the Decrees contained in volumes V., VI. and VII., no abstract of them has been made. A new departure was evidently taken by the Clerk of Court at this time in entering his Interlocutors and Decrees in separate volumes.

Volumes V., VI. and VII. are identical in character, and so may be noticed together. The title given to them exactly describes their contents, which are entirely decrees, without any admixture of interlocutory entries, such as are found in the earlier books under the same title, which have already been dealt with. All three volumes seem to be complete, and the one follows the other without any material gap or break. The contents consist of decrees, from 20 March, 1634, to 5 January, 1642, engrossed on nearly 1400 closely written pages. The leaves of volume V. have suffered in places from damp, and examples of ink much faded are occasionally met with, but taken as a whole both paper, ink and penmanship are wonderfully good.

It may farther be remarked that in vol. VII. there can be observed, not only a general falling off in the volume of judicial business, but obvious interruptions in the Sittings of the Court, attributable no doubt to the coming of the "troubles," in which Aberdeen had a very full share.



## Table of Contents of Vol. V. of Decree Books

1634.

Mar. 29.

**Decree.<sup>1</sup> Rents.** Mr. Wm. Burnet, Minister at the Kirk of Kinairnie *v.* Alexr. Nicol, Wm. Meldrum, Alexr. Cromby, John Crystie, Duncan Troup, all in Midmar, Wm. Touche, Thomas and John Gellane, all in Sonhonie, and Alexr. Gordoun of Abirzeldie. The Pursuer, who had been evicted from the lands of Kinairnie by Elizabeth Seatoun, widow of Wm. Gordoun of Abirzeldie, now obtained decree against the tenants of the lands of Midmar and Sonhonie, which he held in warrandice, with 30/- each of expenses. Sasine following upon conveyance by Alexr. Gordoun of Abirzeldie and Katherine Nicolsone, his wife, dated 17 June, 1628.

**Removing.** Mr. Alexr. Jaffray of Kingiswallis, Bailzie, burgess of Abd. *v.* Gilbert Sym, Gilbert Scherar and John Loban, all in Hiltoune, Thomas Gauld and Wm. Gauld in Badinlair, James Moir in Graystaine, John Gordoun of Invermarkie and Andrew Dolachie in Hiltoune, all in the parish of Glass and Lordship of Strathbogie. Sasine dated 22 Feby., 1633. Notary James Leslie.

**Rents and Removing.** John Irving of Allathyne *v.* John Crawford in Muttonbre. Sasine dated 17 January, 1631. Notary John Lessell.

**Borrowed Money.** Mr. Patrick Chalmer, burgess of Abd. *v.* Arthur Chalmer, indweller there. "Sewin rex dollors extending to twentie pund sex shillingis" borrowed in February, 1633, with 20/- of expenses.

April 16.

**Supplement. Sundry Claims.** George Gordoun of Nethermuir *v.* Andrew Clerk in Kirkhill. Three Acts of Court of the Pursuer's lands of Birness were founded on, dated in 1631 and 1633.

**Forthcoming.** Robert Annand, burgess of Abd. *v.* Alexr. Barroun in Noth, Thomas Ferror in Tullothrowbye and David Hervie, burgess of Abd., for his interest. The last named was due to the Pursuer £486 and interest. Barroun and Ferror admitted that there had been arrested in each of their hands £11 2/4, for which decree passed.

<sup>1</sup> The word "Decree" will not be repeated in the title of subsequent entries, because in this Volume every entry is a Decree, and the same remark applies to Volumes VI. and VII.

## Aberdeenshire Sheriff Court :

1634.

April 16.

**Borrowed Armour, &c.** Patrick Leyth of Kirkcoun of Rayne *v.* Adam Abercrombie of [or in] New Rayne. The Pursuer sued for the following articles, which he alleged that he had lent to the Defender, or their values, viz. :—"Thrie deallis pryce thairof [sic] to have bein ane kist to umquhill      Abercromby Item ane lang Hagbut gowne with suap vark pryce twentie merkis Togeder with ane Partisone staffe worth fourtie shillingis    Ane Buffet cot with ane pance Thrie steil bonettis pryce of the peice four pundis Tua pickes pryce thairof sex pundis Tua Lanss pryce thairof threttie shillingis Ane Jack pryce thairof twentie merkis sex shilling for tua pund of led togidder with sex shillingis aucht pennies for ilk fit of threttie foit of glass." Decree went against the Defender on his own confession for the deallis, the Buffet cot or Linder, one steil Bonnet at 20/-, one Jack at 10/- and the glass.    Expenses 26/8.

**Forthcoming.** Gilbert Meingzeis of Petfoddellis *v.* Andrew Pattoun in Backhill of Kinknokie and others, and John Gordoun of Petlurge, for his interest. Following upon a Decree Arbitral dated 19 December 1632, Meingzeis held a decree against Gordoun for £800, in security of which arrestments had been used, followed up by this Decree of Forthcoming.

June 3.    **Removing.** The Marquis of Huntly *v.* Alexr. Chalmer in Nothe in the parish of Rynie, James Andersone in Dumbennan, James Gordoun in Artlayne, James Gordoun in Bogairtie in the parish of Gartlie, George Calder in Assuanlie, occupier of Drumbulge, James Petindreiche in [?] Drumheid in the parish of Ruthven, Alexr. Gordoun in Ouerhall in Ruthven, John Gordoun at the Myln of Ruthven, Margaret Gordoun, widow of Alexr. Gordoun in Cromellit and Andrew Straquhan in Colonache in the parish of Dumbennan. No particulars of Sasine.

4.    **Export and Import Duties at Peterhead.**<sup>1</sup> Thomas Nicolsone, Bailzie, burgess of Abd. *v.* James Smyth, elder, Skipper in Peterheid, Andrew Hay, Skipper there, John Simsone, younger there, Jean Hendersone, widow of Andrew Nicolsone, Nottar there, Wm. Forsyth there and James Bruce at Scottismiln. The Pursuer's title to sue was a "tak and assedatioun of the customs and bulzioune bulzeon or bulzione siluer" of Peterhead, dated 11 December, 1627, granted by John, Earl of Mar, Lord High Treasurer. Some of the Defenders were exporters of meal, bear and malt to Norway, the export duty being 5/- per boll, some were importers of timber from Norway, the duty being £5 per "laidning" or "leadning" of timber, while some were both exporters and importers. The years claimed for were 1631 and 1632. There was a reference to the Defenders' oaths, but they did not appear.    Expenses 20/- each.

**Removing.** John Alexander of Auchmull, burgess of Abd. *v.* Peter Barnet and James Symone in Auchmull, occupiers of the croft "callet Haldagainie." Sasine dated 29 November, 1633.    Notary Mr. George Robertstone.

**Removing.** Robert Alexander, burgess of Abd. *v.* Henry and James Hervie in the Ward of Kinmundie. Sasine dated 3 May, 1634.    Notary Thomas Forbes.

<sup>1</sup> This decree is in the original entered at the end of the July decrees, but here inserted in its proper place.

## Diet Books : Vol. V., Contents

1634.

June 5. **Removing.** Thomas Cromby of Kemnay<sup>1</sup> *v.* George Lundie and a long list of others occupying Raquharald or Raucharald, Glenheid, Miln of Kemnay, Auquhythie, Forster Croft, Maynes and Craigerne in the barony of Kemnay and parishes of Kemnay and Cluny. Sasine dated 28 July, 1624. Notaries Thomas Forbes and the late Patrick Smyth.

12. **Removing.** Edward Johnstoun, Merchand, burgess of Edinburgh *v.* Wm. Hay in Nethertoun of Cremongorth, Alexr. Hay there, Alexr. Hay at the Milne of Gathous, Wm. Scott in Lochhillis, Wm. Scot in Owertoun of Cremongorth and John Tarves in Tillikiro. Sasine dated 10 April, 1634. Notary Andrew Cruikshank.

**Relief and Payment.** John Calder, younger, in Abd. *v.* Gilbert George in New Waster Eight. The Defender had come under obligation to deliver meal bought from him and paid for by Jean Gibsone, wife of Maister Robert Barone, Doctor of Theologie, and the Pursuer had become cautioner for him. Mrs. Barron, who had not got her meal from George, was pressing the cautionary obligation against Calder, who not only sued the Defender for relief, but also for payment of £10 for "ane mett almerie" and 20/- for "ane uther almerie" sold by him to the Defender.

**Forthcoming.** George Johnstoun, younger, burgess of Abd. *v.* Matilda Hunter in Abd., James Horne, her husband, and a great number of others, debtors of John Cantley, Maltman in Abd., who was due to the Pursuer 684 merks 6/8, besides interest and penalty, and was called in this action for his interest.

13. **Removing.** Gilbert Herwie, burgess of Abd., as heritable proprietor of the lands and barony of Elrick and Monicabock *v.* James Herwie in Brumebrey. Sasine dated 163 . Notary Mr. Patrick Chalmer.

**Forthcoming.** James Hay of Murifauld, as assignee of David Ramsay in Meikill Auchry *v.* Robert Fergusson, burgess of Abd., and John Ross at the Milne of Turriff, for his interest.

18. **Removing.** Alexr. Fraser, younger of Phillorth *v.* Alexr. Patersone, occupier of three bolls sowing within the "Clayfauld" of Fraserburgh, and a large number of others. Place names mentioned are the Fluris and landis callit the Wardes, Robie loche, part of Upper Gilkhorne, Craigis Croft, the Lichteris, the Well shed, Bunzetoun, Ardmakhorne, Ower Mensie, Rathin, Saack and Auchirie. Sasine dated 10 April, 1628. Notary John Pettindriche.

**Meal.** George Johnstoun, younger, burgess of Abd., and Archibald Farquhar, his "Grintelman" at Cluny *v.* James Kay in Corskie and a large number of others, called on the marginal title "his meilmen of Cluny," who as principals and cautioners were the Pursuers' debtors for meal—speaking generally for a boll each. Expenses 10/- each.

<sup>1</sup> Cromby was Sheriff Principal at this time, and sitting on the bench regularly, but on this occasion Mr. Alexr. Gardyn, Advocate in Abd., acted as Sheriff-depute.

## Aberdeenshire Sheriff Court:

1634.  
June 18.     **Removing.** William, Erl Marscheall, &c. *v.* Alexr. Davidsone in Owertoun of Auchires. No particulars of Sasine.
25.     **Rents.** Elizabeth Seatoun, liferentrix of the lands of Strath in Fyvie and Alexr. Fraser, younger, of Philorth, her husband *v.* John Hendersone, sometime in Strath, then at Myln of Pettie. Rent crops 1632 and 1633.
- Supplement. Rents and Arrears.**<sup>1</sup> Sir Paul Meinzie of Kynmundie *v.* George Cheyn, George Longawaill, Robert Smyth and Gilbert Johnstoun, alias Muck, all in Kynmundie, Wm. Craigheid in Drumnagair and Thomas Morisone in                     . The Court of the lands had been held on 26 May.
27.     **Removing.** Alexr. Lyon of Mursk [Muiresk] *v.* John Ros at the Myln of Turref, occupier of the Toun and lands and Myln of Turref, in the barony and parish of Turref. Date of Sasine not given.
- Pasturage of Sheep.** Sir Paul Meinzeis of Kinnmundie *v.* John Williamsone, burgess of Abd. The claim was for 4/- per head of 80 sheep pastured upon the south part of Kinnmundie during the summers of 1632 and 1633. Decree passed for £21 12/- with 40/- of expenses.
- July 9.     **Removing.** George Calder of Assuanlie *v.* James Syme, occupier of a Brew croft of the lands of Assuanlie "be north the Watter of Douerane." Sasine dated 13 July, 1615. Notary George Gordoun.
- Supplement. House Rent.** John Hay, Bailzie, burgess of Abd. *v.* Wm. Fyff in Auld Abd. The Act to which the Sheriff was asked to interpose his authority, was an Act of the Bailzies of Abd. The situation of the house is not mentioned but the rent was £38.
- Forthcoming.** Barbara Hay, in the service of Ladie Margaret Hay, sister of William, Erle of Erroll *v.* Robert Fergusion, Merchand, burgess of Abd. and John Ros, at the Myln of Turref, for his interest. The Pursuer's claim was 250 merks, besides interest and penalty. The arrestee admitted £159 3/8, which he was ordained to pay.
16.     **Rent. Caution to Pay, Plenish or Remove.** Andrew, Lord Fraser *v.* Alexr. Youngzone in Invernorth.
18.     **Exhibition of Lease.** George Gordoun in Annachie *v.* James Gordoun, portioner of Knokley. A lease of 6 oxengait of Cuschnie in Auchterless granted by Robert Dempster of Cuschnie to the Pursuer.
19.     **Removing.** John Turing of Fouerane *v.* Andrew Gray at the Auld Myln of Fouerane. Date of Sasine not mentioned.

<sup>1</sup> In the original volume this decree is recorded among the decrees of the 29 October, but is entered here in its proper chronological order.



## Decree Books : Vol. V., Contents

<sup>1634.</sup>  
July 23. **A Caldron.** Wm. Huiesone, burges of Abd. *v.* James Watt in Chapel of Gariouch. The price of the caldron was £36.

**Failing to Enter Service, &c.** David Prat in Knaven *v.* Patrick Chein in Darnoboe, Andrew Lyall in Corbishill and Barbara Jack in Auchincrive. Prat was due the balance of the price of a horse and Lyall 10 merks of borrowed money. The case against Jack was "for hir fie schoe being fiet befor Witsunday last and not enterit home." The detail of the fee, which she was ordained to pay, was 40sh. 8d. of money, "a pound of wooll 10 sh three quarters of lining or 6sh 2 pair of schuin price 16sh ane old schark or 6sh and a pair of auld hose or 3sh 4d." Expenses 10/- each.

25. **Borrowed Money.** James Gregorie, burges of Abd. *v.* John Gariouch, Chamberlein to the Laird of Cragivar. 100 merks borrowed. Expenses 40/-.

**Abstracted Multure.** George Seatoun at the Myln of Bourtie *v.* Wm. Yet in Auchinhive and Helen Chapman, his wife. The claim was for the years from 1628 to 1633 inclusive.

**Borrowed Money. Absolvitor.** George Gordoun in Annachie *v.* James Ogilvie, portioner of Cuschnie. The Defender on a reference to his oath denied being due the sum of £20 sued for.

**Trespass of Cattle. Absolvitor.** James Keyth, Fear of Kinaldie *v.* Patrick Forbes in Milnboy and Walter Thomsone in Kinaldie. Each of the Defenders on a reference to their oaths, denied the claim made.

**Removing.** Mr. James Sandilands, Commissar of Abd. *v.* John Gordoun in Crabistoun, James Gordoun, his eldest lawful son, and other tenants of Crabistoun. Sasine dated 27 August, 1632. Notary Wm. Downie.

30. **Removing.** Mr. James Sandilands, Canonist of the Kingis Colledge in Auld Abd. *v.* Gilbert Sangster and John Porter in Auld Abd. The subjects are described as "the houss and manss callit the Canonists manss with the yard and taillis pairtis pendicles and pertinents thair of." Instrument of possession dated 2 January, 1634, under the hand of Mr. Robert Reid, Notary, was produced as the Pursuer's title.

31. **Grain and a Horse.** James Keyth, Fear of Kinadie *v.* Archibald Pattone in Tartowie and Isobel Fraser, sometime Ladie Durris. Some oats with the fodder at 8 merks 10/- per boll, bear at 16 merks per boll and a horse at £12.

Augt. 22. **Removing.** The Marquis of Huntly *v.* John Duguid in Littill Govill and Walk Miln thereof, in the parish of Sanct Machar. This case had been advocated to the Court of Session and remitted back to the Sheriff. Date of Sasine not given.

23. **Failure to Enter under Lease.** Robert Seatoun of Minnes *v.* James Aikin in Ardow and Alexr. Lyon in Darrahill. The Pursuer alleged that the Defenders had taken a five years lease of 8 oxengait of Crabidonald from Whitsunday, 1634, at the rent specified in the libel, but had not entered on possession. On a reference to his oath Aikin admitted having promised to take half the subjects at half the rent libelled. Decree accordingly. The entry was apparently left incomplete as regards the other Defender.

## Aberdeenshire Sheriff Court:

1634.  
 Sept. 12.     **Supplement. Debt.** Cristian Tawis, widow of George Fyff in Eastoun [of Cromar] *v.* William Ros in Endago. The Defender had been found liable on his own confession in a Court of the Lands of Eastoun on 22 February, 1634, to pay 16 merks to the Pursuer.
16.     **Rent. Grazing, &c.** George Lyon at the Myln of Mongarie *v.* James Auchinleck at the Myln of New Leslie and Isobel Wobster, his wife. The male Defender, who had occupied the Myln of Mongarie and "yeard beloning thairto & bannock thair of" in 1631, 2 and 3 was here sued for the rents, as well as for the grazing of his cattle.
- Removing.** Mr. James Raith of Edmonston, Advocat, "Donator and haweing be gift of our Souerane Lord the escheit and lyfrent of Androw Meldrum of Muirs of Fyvie" *v.* the said Andrew Meldrum, David Sinclar in Mackterrie, George Legat in Myln of Mackterrie, George Chein in Ouer Muirfoundland, James Scorjzack and Alexr. Brand in Nether Badichell, James and Wm. Grives in Ouer Badichell, David Duguid, Wm. Smyth, John Hoig, John Gabriall and Alexr. Bruce in Blachric, John Cruikschank in Suaneftuid and John Stewin in Ouer Muirfoundland.
30.     **Registration.** Walter Forbes of Thainstoun *v.* George Crichtoun of Crichtie. This was a decree ordaining the registration of a Bond granted by the Defender to the Pursuer for £10 10s. 7d. of money and 20 bolls of victual.
- Oct. 3.     **Borrowed Money.** Mr. Robert Reid, burgess of Abd., as assignee of Alexr. Neilson in New Milne *v.* James Ronald, elder, in Wester Clova. 22 merks of borrowed money with 24/- of expenses.
10.     **Wool.** Andrew Watstone, burgess of Abd. *v.* James Ronald, elder, in Wester Clova. £5 13s. 4d. as the price of "ane half stain of Wooll." Expenses 12/-.
- Grain.** Walter Forbes of Thainstoun *v.* George Crichtoun, younger, of Crichtie. Meal and malt crops, 1632 and 1633. Expenses 18/-.
11.     **Supplement. Debt.** Andrew Burnet of Shethokisley *v.* Wm. Reid in Kirkton of Skeyn. The Defender had enacted himself in the Burgh Court on 9 November, 1633, to pay the Pursuer the sum of 14 merks 10/-, but had removed out the jurisdiction of the Burgh Court.
17.     **Exhibition.** Sir Wm. Forbes of Monymusk and John Forbes of Leslie *v.* John Gordon, elder, burgess of Abd. The Pursuers had granted to the Defender an obligation to deliver to him 1000 bolls of victual crop, 1630. Having fulfilled their obligation they now sought and obtained decree for delivery of their bond, or alternatively of a valid discharge.
21.     **Removing.** Wm. Forbes of Torrie, otherwise Ovirtorrie, burgess of Abd. *v.* Patrick Gordoun, lawful son of Wm. Gordoun, sometime of Cottoun, and his Tutors and Curators, for their interest, and Wm. Kirkland, Pickieman in Gordonsmiln. The lands of Cottoun in the parish of Sanct Machar were the subject of the decree. These had been last occupied by Patrick Gordoun, sometime of Gordonsmiln, grandfather of Patrick Gordoun, the Defender. Sasine produced but no date given.

## Decree Books: Vol. V., Contents

- <sup>1634.</sup>  
Octr. 22.     **Rent. Caution to Pay, Plenish or Remove.**   Alexr. Lumsden of Clova *v.* George Connan in Clova, occupier of the South half of Maines of Clova under lease for 11 years from Whitsunday, 1633. The Defender was in arrears with his rent and had deserted his possession. He was ordained to pay what was due, to stock the farm and find caution for the future.
31.     **Supplement. Rent, &c.** Sir John Leslie of Wardes, knight baronet *v.* George Anderson in Dunniedeir. Authority was interponed to an Act of Court of the Barony of Wardes, held at Wardes upon 13 September, 1633, by which the Defender had been ordained to make payment of certain back rents, &c., to the Pursuer's Factors or to Michael Jamesone, Chamberlain to the Earl of Rothes.
29.     **Rent.** Andrew Meldrum, Bailzie of Abd. *v.* James Turnor in Kynmynnitie. Rents of Kynmynnitie, crops 1632 and 1633.
- Novr. 4.     **Registration.** Wm. Andersone, burgess of Abd., as heir of Arthur Andersone, his brother *v.* Thomas Gordon, Alexr. Mitchel and James Cruikschank, burgesses of Abd. There were ordained to be registered (1) a Bond granted by Gordon and Mitchel to the deceased Arthur Andersone for 500 merks, dated 24 May, 1630, and (2) a Bond granted to him by Cruikschank for 500 merks, dated 12 June, 1631.
12.     **Exhibition.** John Seton of Auquhorthies and George Seton, his eldest lawful son by his wife Helen Leyth *v.* Mr. Alexr. Davidson, Advocate in Abd. and Wm. Seton of Udny, for his interest. The writing of which exhibition was sought was a contract dated 30 May, 1634, whereby Wm. Seton, with consent of his wife, Margaret Grahame, bound themselves for onerous causes to convey to the Pursuer and his son in liferent and fee respectively, the "Maines of Udny with the towr fortalice maner place;" &c., the lands of Kilmortoun, Milne of Udny, the "heretabill richt libertie & priviledge of the mercat callit Crystes fair and the advocatiene donatiene and richt of patronadge of the Kirk of Udny callit Crystes Kirk and Chappellenrie of Udny," &c. The deed was exhibited but a motion made for registration was resisted and the case seems to have been subsequently advocated to the Court of Session.
14.     **Supplement. Trespass of Cattle, &c.** James Ogiluie in Cuschnie, proprietor, along with Robert Dempster, of the third part lands of Cuschnie *v.* George Gordon, sometime in Cuschnie. The Act of Court was one of the said third part lands of Cuschnie, dated 13 February, 1634.
- Supplement. Arrears of Rent.** Wm. Seton of Schethin, as Tutor Dative of Alexr. Fraser of Techmuir *v.* Wm. Daniel in Quonnak. The Defender had in 1629 occupied part of Mains of Percok and the Act was an Act of the Court of the Barony of Percok "haldin within the orchard yard of the samen" on 29 May, 1630.
19.     **Ejection.** John Reid, sometime in Wasthauch, then in Caskieben *v.* James Gellan, sometime in Tillifour, then in Wasthauch. The Pursuer had been occupier of Wasthauch in Oyne under "the Richt Worschipfull" Sir Alexr. Gordon of Clunie, when in 1634 he was ejected by the Defender. By this decree the Defender was ordained to re-enter the Pursuer to the lands and to pay the violent profits detailed in the entry, with £3 of expenses.

## Aberdeenshire Sheriff Court :

1634.  
Novr. 21.

**Price of a Wedder and Grazing.** Wm. Stewart in Jakstoun *v.* Thomas Blak in Eastertoun of Fyvie and Thomas King in Balcarne. Blak was ordained to pay £4 as the price of a wedder sold and delivered to him, and King 8 merks for "girsing of nolt" in 1632 and 1633. Expenses 10/- each.

22. **Forthcoming.** Sir Paul Meinzie of Kinmundie, Provost of Abd. *v.* Gilbert Herwie, elder, burges of Abd., and Thomas Moriesone in Kinmundie, for his interest. This decree followed upon the decree for rents (*supra* p. 396) and an arrestment in Herwie's hand's on 10 October. The amount now decerned for was 72 merks.

26. **Wrongous Intromission.** Gilbert Gardyn, Fear of Tullifroskie *v.* James Skae in Wester Kincardyne. £24 for corn belonging to the Pursuer "mellit with" by the Defender with 20/- of expenses.

**Supplement. Rents, &c.** John Gordoune of Craig *v.* James Fergus, sometime in Drymmeis, then in Blakhall, and Wm. Swaip, sometime in Drymmeis, then in Knokinblewis. An Act of Court of the lands of Drymmeis, dated 18 December, 1633, was founded on.

Decr. 3. **Outgoing and Incoming Tenant. Damage by Cattle.** Kathering Fraser, lawful daughter of John Fraser of Clintertie *v.* John Clerk, sometime in Wester Fintray, then in Kynnellar. The Pursuer and Defender were outgoing and incoming tenants respectively of the lands of Kynnellar, and the former made very large demands upon the latter in respect of crop eaten and destroyed by Clerk's cattle and succeeded in getting decree for a part of them. She pleaded as the ground of her claim in law that the incoming tenant "suld mak the said persewar haill cornes."

5. **Rents.** George Gawin, son of the late George Gawin in Collielaw and James Blakhall, burges of Abd., and Harie Gawin there, his Curators, *v.* Grissel Mathie in Newburgh and Wm. Webster there. Rents of crofts in Newburgh. Expenses against Mathie 30/- and against Webster 20/-.

**Delivery. Plate, Jewels and Clothing.** Elspet Gordoune, wife of Andrew Huntar, burges of Abd., and the said Andrew Huntar *v.* Thomas Meinzeis of Balgownye, Alexr. Meinzeis, his brother german, and Janet Gordone, widow of Mr. Thomas Meinzeis of Balgownie. The Pursuer's claim was for delivery of the "haill moveable guidis goldsmith wark silver wark Jewells abulziement insicht and plenishing contained in ane Invenster produced" which were said to be in the Defender's possession as custodiers. The latter pleaded that the effects had been arrested in their hands but eventually decree passed in a modified form.

10. **Malt.** George Jhonstoun, younger, burges of Abd. *v.* John Law in Bervy. About Bartholday, 1633, the Defender bought from the Pursuer and received 8 bolls of malt at £8 10/- per boll, if paid at Martinmas, but if not paid before Midlentrene, then the price was to be £9 per boll. For the latter sum less 8 "dolors" paid to account decree was pronounced with 40/- of expenses.

**Rent.** The Marquis of Huntly *v.* John Duguid in Little Gowell. 550 merks for the rent of the lands of Little Gowell and Walk Milne thereof crop 1633 and 425 merks for a whole year's rent of the lands and a half year's rent of the Walk Milne in 1632.



## Decree Books: Vol. V., Contents

1634.

Decr. 20. **Rent.** Robert Alexander, burges of Abd. *v.* Wm. Montgomrie in Slugmagullie. The Pursuer claimed to be heritable proprietor of the lands, deriving right from Alexr. Gordoun of Carneborrow. On behalf of the Pursuer there were produced a Decree of Apprising at his instance and an Instrument of Sasine in his favour. The Defender sat under a lease from Gordoun of Carneborrow, which contained provisions for the conversion of the grain rents into money. The tenant was apparently obliged, over and above his rent, to relieve the Pursuer of the proportion of the Bishop's feu duty, exigible from the lands. Expenses, 40/-.

**Rent.** Alexr. Hervy in Grandone and Janet Leslie, his wife *v.* Patrick Gray in Tulligreig, Wm. Aikine there, Andrew Shives there and Thomas Midiltoun there. The Pursuers held a Decree of Apprising of the lands against Alexr. Gordoun of Carneborrow and a Sasine from the Bishop of Abd. They now obtained Decree for the rent crop 1634 and the Bishop's feu duty, with 40/- of expenses against each Defender.

**Rents.** Mr. James Irwing, burges of Abd. *v.* Alexr. Anderson, John Hall, James Laird, alias Gordon, and Thomas Cruikschank, all in Mealingsyd, and Margaret Irwing and Wm. Gordon in Mealingsyd, her husband, for their interest. On 5 April, 1630, Margaret Irwing disposed the rents of Mealingsyd to Wm. Seton, younger, of Easter Disblair, who, being due to the Pursuer 500 merks with interest since November, 1630, assigned them to him in security. In this action Mr. Irving now obtained Decree against the tenants for the rents of 1630, 1631, 1632, 1633 and 1634. The prices decerned for were as follows:—Capons, £4 per dozen; Poultry, 4 merks per doz.; Linen, 11/- per ell; Wedders, £4 each.

1635.

Jany. 14.

**Merchandise.** Alexr. Hendrie, burges of Abd. *v.* Adam Gordon in Watertoun. £20 14/- for merchandise sold and delivered according to account book, containing a subscribed account produced. Expenses 40/-.

**Forthcoming. Rents.** Wm. Cheyne of Carnebanno *v.* Edward Gordon at the Milne of Allathin, David Gordon in Greinis, James Cassie in Nather Kippernahill and George Forbes of Allathin, for his interest. The Defender Forbes was due to the Pursuer 93 merks 6/8, conform to Bond dated 1 October, 1631, and registered 13 December, 1633. Following up arrestments used in the tenant's hands, the Creditor sought and obtained this decree.

16. **Forthcoming.** James Hay of Muiriefald *v.* George Gordon in Auchmad and Wm. Leask, younger, of that Ilk, for his interest. Wm. Leask, and his brother, Mr. Alexander Leask, had borrowed 200 merks from the Pursuer, in March, 1634. Having used an arrestment in Gordon's hands there was now decree against him, according to his own admission, for 29 bolls of victual of crop, 1633.

**Malt.** Nicoll Ross, elder, in Tarlan *v.* Alexr. Mortimer in Cultis. A boll of malt crop 1633 at 16 merks 10/-, with 26/8 of expenses.

30. **Rent.** Alexr. Andersone in Standingstaines *v.* Alexr. Jamesone in Drumdurnoch and Wm. Jamesone in Durnoch. The Defenders had occupied the fourth part lands of Knowis of Durnoch in 1633 and 1634. Expenses 20/- each.

## Aberdeenshire Sheriff Court :

1635.

Febr. 4. **Removing.** Patrick Straquhan of Kynnadie *v.* Janet Keyth, George Cantlie and Jean Knox, occupiers of Touxhill and Cloffrickfuir. The Pursuer was donator to the liferent of the lands, the same having been made over to him by Alexr. Straquhan of Glenkindie, the superior, into whose hands it had fallen through the said "Janet being denuncit his /Ma/ rebel" on 23 June, 1628, &c. The case had been remitted to the Sheriff on 10 December, 1634, after advocacy to the Court of Session.

6. **Rent.** Gilbert Meinzie of Pitfoddellis *v.* Thomas Watson, Measson, burgess of Abd. The Defender admitted being due the sums asked, for his occupation of the lands of Gilcomstoun for crops 1633 and 1634.

**Meal. Failure to Deliver.** Wm. Lumsden, burgess of Abd. *v.* Wm. Touche in Ley. The Defender had sold to the Pursuer at Martinmas, 1634, 6 bolls 6 pecks "guid and sufficient quhyt hard caik meill" to be delivered at the Pursuer's house in Abd. The Defender having failed to do so, the Pursuer sued him for delivery, or failing delivery for the price, at £10 per boll and obtained decree. If the meal had been timeously delivered the price was to have been 10 merks per boll payable at Whitsunday, 1635. Expenses £3.

11. **Supplement. Rent.** John Udny of Newburgh *v.* Patrick Sandie in Middilmuir. An Act of Court of the Barony of Belhelvie "haldin at the Auldtoun" on 31 October, 1634 was founded on. At that Court the Defender had admitted his indebtedness for the rents of a plough of Middilmuir.

18. **Merchandise.** Alexr. Ross, burgess of Abd. *v.* (1) John Chopman in Turreff and Barbara Hatt, his wife, £37 1/8, (2) James Craig in Cotburne, £9 6/-, and (3) Alexr. Bruce in Carnehill and Thomas Chopman in Turreff, as cautioner for him, £15 2/-. Expenses 20/- each.

20. **Forthcoming.** Mr. Andrew Abercombie, Minister at Fintray *v.* Wm. Sangster at the Milne of Kavill and Wm. Setoun, younger, of Disblair, for his interest. 24 bolls victual at 10 merks per boll were decerned for. The debt was 120 merks and interest.

**Meal.** John Hay, Baxter, burgess of Abd. *v.* Wm. Walker in Litill Arnage. 2 bolls of meal at 16 merks per boll. Expenses 26/8.

25. **Rent or Removing. Borrowed Money.** Margaret Skeyne, widow of Wm. Blak, burgess of Abd. *v.* Andrew Keyth in Newburgh and Cristiane Robertoun, his wife. The Pursuer was liferentrix, and the Defenders tenants, of certain land and a tenement in Newburgh, for which no rent had been paid for 1633 and 1634. They had also borrowed from the Pursuer 5 rex dollars, which were still unpaid. Decree passed for the past due rent and borrowed money and, failing their finding security for the future, the Defenders were ordained to remove. Sasine dated 29 March, 1626. Notaries Patrick Smyth and John Ingrahame.

**Caution to Plenish or Remove.** John Udny of Balhalvies *v.* Patrick Sandie in Middilmuir. [*Vide* 11 February *supra*].

## Decree Books : Vol. V., Contents

1635.

Febr. 25. **Borrowed Money. Certificate of Illness, &c.** Magdalen Innes, wife of Gilbert Johnstoun of New Leslie and her husband *v.* Jane Innes "Ladie Balquhyne" and John Leslie of Balquhyne, her husband. A loan of 1000 merks given by Mrs. Johnstoun to her sister Mrs. Leslie, to enable her in her husband's absence in the south country, to stave off some of his creditors. Expenses £3.

Mar. 13. **Forthcoming.** James Gregorie, burgess of Abd. *v.* Robert Nicoll in Auld Abd., as principal debtor, and Marjorie Touche, widow of John Touche, burgess of Abd., Wm. Scot in Abd., and Janet Touche, his wife, James Straquhan, Cowper there and others, debtors of John Gregorie.

**Merchandise.** Andrew Burnet, younger, burgess of Abd. *v.* (1) Patrick Leslie in Kintoir £60, (2) Walter Fergoussone in Inverury £5 3/- and (3) John Tailzour in Inverury £12. Expenses £3.

**Rent. Caution to Pay, Plenish or Remove.** Robert Alexander, burgess of Abd. *v.* Janet Seangezour, widow of Thomas Syme in Boigholl. The rents of the half Milne of Boigholl for 1632, 3 and 4 were decerned for and the Defender was ordained to find caution to pay the future rents and to plenish the subjects, or to remove.

**Trespass by Cattle.** John Martein in Fogiebruntland *v.* Archibald Mar there. One boll of "quhyt" or great oats at 10 merks per boll and one boll 3 firlots of small oats at £5 per boll. Expenses 30/.

**Rent. Caution to Pay, Plenish or Remove.** Mr. Alexr. Reid, Advocat in Abd., heritable proprietor of Birkenbrowell *v.* Patrick Midiltoun in Birkenbrowell and Gealles Anderson, his wife. The Defenders had a lease of the lands and Milne of Birkenbrowell during Patrick Midiltoun's life, at a rent of £100 per annum. Being in arrear with the rent and become "depouperat" and the plenishing being insufficient for the place, decree passed as above. The Pursuer's Sasine was dated 1627. Notary Walter Kar.

21. **Rent.** Wm. Forbes of Ovir Torrie, burgess of Abd. *v.* Patrick Gordon, lawful son of Wm. Gordon of Cottoun and the said Wm. Gordon and all others having interest as Tutors and Curators to the said Patrick Gordon. The rent of the half lands of Cottoun, last occupied by the late Patrick Gordon of Gordonsmilne, grandfather of the Defender, Patrick Gordon, was decerned for. The lands not being let, the amount of rent was arrived at by proof of the rent paid for the other half of the lands, being 16 bolls good and sufficient "aitt meill but dust or staines" and 16 bolls good and sufficient malt. The Pursuer (probably a wadsetter) produced his Sasine and also letters of horning against the Defender. Expenses 40/-.

25. **Rent.** Alexr. Straquhan of Glenkindie *v.* Gawin Forrest at the Milne of Balquhonochie, the rent of which for crop 1633 was claimed. Expenses 40/-.

## Aberdeenshire Sheriff Court :

1635.

Mar. 25.

**Rent.** Wm. Duguid of Auchinhuiv and Elspet Forbes, his wife *v.* David Tailzeour in the Bray, James Scott there, Wm. Massie there, Mr. John Straquhan, Minister at Midmar, James Philp in Balblair, Patrick Gordon in Ballogie, Wm. Davidsone in Mikterrie, Andrew Martin in Miln of Hoill, Alexr. Ridler in Lurg, Wm. Crystie in Ovirmuir, Alexr. Gordon in Nathermuir, George Leyth in Bethlein and a number of others, and also Alexr. Gordon of Aberzeldie. On 17 January, 1633, the lands and Barony of Aberzeldie, and the lands and Barony of Ballogie and Midmar had been apprized from Alexr. Gordon, the proprietor, at the instance of David Adye, burgess of Abd., for payment of £3,166 13/4 and the Sheriff's fee of £158 6/8. On 25 July, 1634, there was another apprising, at the instance of Robert Steivin in Tillilaire, for 5321 merks 3/4 and the Sheriff's fee of 266 merks 10/-. The Pursuer had acquired right to both these apprisings, had made his title real by infefment and had entered as vassal with the superior, the Marquis of Huntly. He now obtained decree against certain of the tenants of Ballogie and Midmar for the rents due by them. Each of those found liable was ordained to pay 13/4 of expenses.

**Rent or Removing.** John Irwing of Torreleyth *v.* John Symmer in Torreleyth. The Defender had a seven years' lease of the half lands of Torreleyth from Whitsunday, 1629, but had not paid his rent for 1632, 3 and 4, and was unable to find security for it.

**Registration. Marriage Contract.** Cristiane Andersone, widow of George Wilsone, Merchand, burgess of Abd. *v.* George Wilsone, eldest lawful son and heir of his deceased father, and David Wilsone in Culquhakes, his Tutor. By the Marriage Contract dated 11 October, 1631, the husband was bound to provide 7000 merks, of which the widow was to have the liferent. The object of the decree now obtained was to enforce this obligation against the heir. The Pursuer's mother Jean Guild was a party to the Marriage Contract and paid 2000 merks as tocher with her daughter. Among the witnesses to the Contract were Mr. Wm. Guilde, Persoune of Kingedward, Mr. John Gregorie, Minister of Drummaok, Mr. Thomas Thoiris, Minister at Udney, George Jamesone, burgess of Abd. and Mr. Alexr. Davidsone, Advocat in Abd.

**Rent. Caution to Pay, Plenish or Remove.** Marjorie Innes, "Lady of Meanie," liferentrix of the lands, and Arthur Forbes of Meanie, her husband *v.* Elspet Milne, widow of John Glaster in Milne of Meanie, of which the rent was in arrear and the place not sufficiently plenished.

**Removing.** Mr. Alexr. Scrogy, "Doctor of Divinitie and Minister at Ald Abd." *v.* Robert Blinschell, occupier of "ane tenement of land yaird kil and kilbarne lyand in the Chanrie of Ald Abd." and other occupiers of parts of the lands of "Lochhillis callit the Ministers gleib." One of the tenements is described as "ane tenement of land yard & barne lyand in the wast syd of the Citie of Ald Abd. betuixt the tenement and yard of Robert Orum at the south the Wyn callit Dowglas Wyn at the north the lands of Lochhillis at the wast and the Kingis commoun gaitt at the east." For Dr. Scrogie there were produced (1) Sasine dated 23 November, 1627, Notary Mr. Alexr. Reid and (2) Instrument of Possession dated 14 September, 1620, under the hands of Patrick, Bishop of Abd. and Thomas Forbes, Notary.



## Decree Books: Vol. V., Contents

1635.

Mar. 25. **Forthcoming.** Alexr. Blakhall, Maltman, burgess of Abd. and James Blakhall, his son *v.* John Clerk in Kinellar and John Forbes in [?] Ruiffhill, for his interest.

**Cautionary Obligation.** Andrew, Lord Fraser *v.* Wm. Fraser of Fauchfeild and John Fraser in Saack, for his interest. Wm. Fraser had become cautioner for John Fraser, for payment of the balance of the price of certain victual due to the Pursuer, the date of the cautionary obligation being 1 March, 1634.

**Cautionary Obligation.** Gilbert Carle in Carnebulge *v.* the said Wm. Fraser and John Fraser. The sum decerned for was £40 conform to Bond dated 1 March, 1634, with interest "at ten in the hundreth." In this and the preceding case Acts of the Barony Court of Carnebulge were produced.

**Relief or Payment.** Wm. Fraser of Fauchfeild *v.* John Fraser in Saack. This was a decree of relief by the cautioner against the principal debtor in connection with the two decrees immediately preceding.

15. **Forthcoming.** Janet Gordon, lawful daughter of the late Patrick Gordon of Nathermuir and Mr. Wm. Lumsden, Advocat in Abd., her Tutor Testamentary *v.* James Buchan in Maines of Arnadage, Gilbert Symsons in Carnenadely, George Smyth at the Miln of Towie and James Cheyn of Arnadage, for his interest. Cheyn and others were liable to the Pursuer in the sum of 1000 merks, conform to Bond dated 29 May, 1632, and registered in the Sheriff Court Books on 25 August, 1635, on which the rents due to Cheyn by his tenants had been arrested.

26. **Accounts for Meal and Victual.** Mr. Wm. Lumsden, Advocat in Abd. *v.* (1) George Cheyn in Kynmundie 50/-, (2) Wm. Wood at the Old Miln of Straloch £19 8/- and (3) Andrew Symmer in Easter Disblair £15.

June 3. **Removing.** Sir Alexr. Irwing of Drum, knight *v.* Alexr. Irwing in Tarsettis in Drumaock, occupier of 8 oxengait there. Sasine dated 3 May, 1630. Notary Mr. George Andersone.

**Removing.** John Leslie in Gartlieheid *v.* Andrew Smyth in Ouirkirk, Robert Boynd there, Wm. Fischer in Boigtoune and John Fischer there. These lands were said to be in the "Marqueisscheip of Huntlie." Sasine dated 20 February, 1626. Notary James Anderson.

**Registration.** Wm. Reid, Skipper, burgess of Abd., as heir served to Alexr. Reid, also Skipper, burgess. *v.* Mr. Wm. Chalmer of Waster Disblair, James Leslie of Auquhorthis and Gilbert Jonstoune of Pettiesmilne. Chalmers was principal debtor and the other two Defenders cautioners for him in a Bond for 1000 merks, granted in favour of the deceased Alexr. Reid on 19 November, 1629, which was now ordained to be registered for execution in favor of the Pursuer.

**Registration.** Wm. Reid (as in preceding case) *v.* Gilbert Cullen, Bailzie, burgess of Abd. The Bond in this case was for 300 merks and was dated 29 March, 1627. Wm. Rolland, burgess, had been a cautioner but was not sued.

## Aberdeenshire Sheriff Court :

1635.  
June 5.     **Exhibition.** Mr. Thomas Blakhall, burges of Abd. *v.* John Ingrahame, " Clerk deputt " of the Burgh of Abd., Wm. Gordon of Brodland and Robert Paul, burges of Abd. This decree is of great length, but it may be stated shortly that, after an apprising of the lands of Meikill Crichtie by Paul from Gordon, the former, with consent of Cristian Straquhan, his wife, had granted a Disposition (of the nature presumably of a re-conveyance) to Gordon dated 2 June, 1630. On 24 December, 1634, Blakhall had apprised the lands from Gordon, together with the foregoing Disposition for a debt of £1522 10/-, and now sought and obtained a Decree of Exhibition and Registration thereof. Ingrahame, in whose possession it was, produced it in obedience to the order of the Court.
12.     **Merchant's Account.** David Lindsay, burges of Abd. *v.* Alexr. Leyth of Counteswallis. Of the sum due £18 19/- was proved by a subscribed account. The Defender was cited to give his oath upon a farther sum of £7 9/- but did not appear. Expenses 40/-.
17.     **Sheriff Clerk Substitute's Claim against Sheriff Depute.**—John Hunter, Notary Public *v.* John Keyth of Glakriache. The claim on which decree passed with £3 of expenses was thus expressed " the sowme of threttie punds faithfullie promisit be the defendar to the persewar for his service being Shref deput and the said persewar being Substitute Clerk."
- Borrowed Money, &c.** Mr. Matthew Lumsden, Bailzie, burges of Abd. *v.* Margaret Jonstoun, widow of James Boyd in Kincowsie.
24.     **Supplement. Rent.** John Gordoun of Hiltoun *v.* Wm. Gordoun in Litill Arnage. The Defender had been found liable in a Court of the Lands and Barony of Hiltoun but had removed from these lands.
- Supplement. Rent.** Alexr. Irwing of Wastoun *v.* Wm. Reid, the elder and the younger, in Kinraigie. The Act of Court of the lands of Wastoun was dated 28 May, 1634.
26.     **Removing.** Francis Fraser of Kinnundy *v.* James Fraser in Thunertoun, who occupied a plough of land there. Sasine dated 15 April, 1635. Notary Mr. George Norie.
- July 1.     **Supplement. Price of Grain.** Alexr. Udny in Legat *v.* Wm. Banzie, in Monkeigie. An Act of the Barony of Caskieben dated 10 May, 1634, was founded on.
- Removing.** John Seatoun of Aquhorties, liferenter of the lands *v.* Robert Seatoun, sometime of Minnes, Wm. Seatoun in Petgersso and Alexr. Reid in Tilliery. Two Sasines were produced, one dated 18 July, 1616, and the other 1 October, 1622. Notary in both James Birnie. Decree passed against Reid only, who occupied a croft called Skalliefuird. The other Defenders, who occupied parts of Crabidonald, got until 8 July to lodge defences.

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1635.

July 1. **Forthcoming.** Alexr. Herwie in Grandome and Janet Leslie, his wife *v.* Alexr. Black, Maltman, burgess of Abd., Wm. Fergusone at the Myln of Gilcomestoune, Thomas Middeltoune in Tilliegreig and Andrew Schives there, for their interest. The Pursuers held a decree of 20 December, 1634 [*supra* p. 401] against Middeltoune and Schives, on which they used arrestment in the hands of Black and Fergusone, who now admitted that certain sums had been arrested in their hands, for which decree passed. The word "equalent" is here several times used.

**Removing.** Dame Sophia Hay, liferentrix of the lands of Blackmyln, in the parish of Coldstaine *v.* James Snawie in Blackmyln, George and John Wattie "in the toune adjacent to the said Blackmyln," John Gordoun at the Myln of Bountie and Alexr. Reid in Knokingowse. Sasine dated 24 June, 1626. Notary Alexr. Davidsone.

8. **Removing.** Sir Paul Meinzie of Kinnundie, knight, Provost of Abd. *v.* George Cheyn in Kinnundie and Margaret Cruiffis, his wife, occupiers of Kinnundie and the Brew croft of the same. Sasine dated 8 June, 1699. Notary Walter Robertson.

10. **Supplement. Rent.** The said Sir Paul Meinzie *v.* the said George Cheyn. The Court of the lands was held on 19 May preceding, in the "uther chalmer" of the Defender's house.

**Ejection and Intrusion.** James Thomsone, sometime in Ardoyne, then in Newtowne of Premnay, and Sir Alexr. Gordoun of Cluny, knight baronet, for his interest *v.* John Howie in Ardoyne. The Pursuer, who had been turned out of his possession of Ardoyne by the Defender in June, 1634, now obtained a decree against the latter, ordaining him to give Thomsone re-entry and to pay certain excrement profits. These were thus calculated, "the incres of the sawing of ten bollis gryt aittis and of twentie fyv bollis small aittis all estimat to the third querne and of aucht bollis bear sawing estimat to the fourt querne price of the boll small aittis with the fodder four merks pryce of the boll gryt aittis with the fodder aucht merks and pryce of the boll bear with the fodder ten merks all of the crop *im vi<sup>c</sup>* threttie and four yeiris. And sicklyk to pay to the said persewar the sowme of tua schillingis money daylie and ilk day for the violent & excrement profitis of ilk ox of aucht oxen and fyv schillingis money for the violent & excrement profitis of ilk hors of four hors daylie & ilk day." These figures were arrived at after proof. Expenses £6. A Decree of Reduction, an Assignation thereof and a Charter and Sasine were produced for the Pursuer.

24. **Supplement. Rent.** Robert Fraser in Eslic, as assignee of Simon Fraser in Bandar *v.* Andrew Fraser in Midbeltie. The claim was for the rents of the half mains of Midbeltie in 1633 and 1634. Notwithstanding that, according to an Act of Court of the lands and barony of Midbeltie, the Defender had been found liable on his own confession, a Procurator appeared to defend but on production of evidence that his client was at the horn, he "past frae his compeirance."

**Removing.** George, Marquais of Huntlie *v.* Patrick Duncan in Sandstoun in the Lordship of Strathbogy. Date of Sasine left blank.

## Aberdeenshire Sheriff Court:

1635.  
July 24.

**Exhibition and Registration.** Sir Wm. Forbes of Cragiewar, knight baronet, as eldest son and heir of Mr. Wm. Forbes of Cragiewar, his father *v.* Thomas Forbes, Wreittar in Abd., Wm. Raitt, eldest lawful son and heir of Mr. Archibald Rait, sometime Minister at Kintoir, and Janet Blakburne, his wife, his Tutors if any, for their interest, and the said Janet Blakburne and Robert Anderson in Kintoir, her husband, for his interest. This decree is of considerable length (say 5000 words). It contains the full text of a contract of wadset between the first Forbes of Cragiewar and Mr. Archibald Rait, Minister of Kintoir and his wife, for 6000 merks, over the lands of Beildiestoune or Bailziestoune in the parish of Dyce dated 11 June, 1625. Of the sum lent, 4000 merks was the sum which Mr. Rait had bound himself to settle under Marriage Contract twixt his wife and himself. The place fixed for payment and redemption was "the gryt kirk of Aberdein callit St. Nicolas paroch kirk besyde the pulpit thair of." If the creditors wilfully, after due warning, absented themselves from being at that place to receive payment, then consignment was to be made "in the hands custodie and keiping of the Theasurer or Deane of Gild" of Abd. Among the witnesses to the wadset were Mr. James Rait, Minister at Aberluthnot and Mr. Adam Barclay, Minister at Fintray.

29. **Supplement. Rent.** Alexr. Chalmer of Drymmies *v.* James Fergowsone, sometime in Drymmies, then in Enrurie. The balance of rent crop 1634 of a plough of Drymmeis was the subject of the decree, and the prices were £10 per boll for meal and 18 merks for bear "because the persewar hes protestit for the hiest pryces sieing the said victuall is not payed."

**Meal and Cattle.** John Forbes of Corsindae *v.* (1) David Fergus in Drumna-hoy £10 for bear and meal, (2) Alexr. Ailhous in Hirne £5 for meal, (3) John Stevin in Cluinie £10 for "ane coft kow and ane stirk," and (4) Patrick Livingstoun in Lockinwall 11 merks 2/- for an ox.

**Supplement. Meal and Bear.** Wm. Robertsone, burgess of Abd. *v.* John Williamsone in Harlaw and a number of other tenants of Pitcapill. An Act of Court of the Lands and Barony of Pitcapill was founded on.

31. **Removing.** Margaret Forbes, liferentrix of Flinders, and Olipher Gordon, her husband, for his interest *v.* Thomas Erskin of Ballhaggartie and other tenants and occupiers of Ald and New Flinders in Kennethmont. Sasine dated 27 July (year blank).

**Rent.** Mr. Wm. Burnet, Minister at Kinairnie *v.* Alexr. Nicoll and other tenants of Midmar and Sunhennie.

**Rent.** Edward Johnstoune, elder, Merchand, burgess of Edinburghe *v.* Marie Arbuthnot, widow of Alexr. Hay at Milne of Gatehous, Wm. Hay in Damheid, John Tarves in Tillikirie, Wm. Scott in Overtoune and Wm. Scott in Lochillis, all in the parish of Cremond. The Pursuer founded on a Decree of Comprysing, which he had obtained against Robert Irving, Merchand, burgess of Kinghorn, the heritable proprietor of the lands, and on a Sasine following thereon. Date of Comprysing 17 Jany., 1626.



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1635.

July 31.

**Forthcoming.** John Gellan, sometime in Glentoun, then in Petfichie, as Executor confirmed to the "guids and geir eivill apprysit omitit and left furth out the principall confirmit testament of Mr. John Forbes in Quhythous of Cromar" *v.* Wm. Coutis of Auchtercoull and John Forbes, sometime in Oulquhouch [*?* Culquhouch], then in Ovir Towies, Executor of the said Mr. John Forbes.

**Rent.** Gilbert Meinzie of Pitfoddellis *v.* Thomas Watsone, Measson, tenant by assignation from Wm. Trowp, burgess of Abd., of the lands of Gilcomstoun.

Augt. 19.

**Rent. Moss Leave.** Thomas Cromby of Kemnay *v.* Elizabeth Straquhan, Lady Blakhall, George Robertstone in Blakhall and Walter Angous there. Decree was given not only for past due moss rent, but for future payments. Expenses 20/- each.

26. **Removing.** Isobel Forbes, liferentrix of the lands of Powquhyt and Thomas Erskine of Balhagartie, her husband *v.* Andrew Caddell and George Leslie in Powquhyt. Sasine dated 26 November and 6 December, 1598. Notary James Murray.

**Loan.** Mr. Wm. Barclay, Advocat in Abd., as assignee of Patrick Leyth, sometime of Licklieheid *v.* Alexr. Irwing of Fortrie. 35 merks contained in a Ticket.

Septr. 30.

**Removing.** Thomas Fraser of Streichin and Hew Fraser, his second lawful son, *v.* Alexr. Fraser of New Forrest, in the Parish of Rathin. The Pursuer claimed to be proprietor of New Forrest in virtue of Sasine dated 26 September, 1634, Andrew Cruickshank Notary. The Defender had advocated the case unsuccessfully to the Court of Session.

Novr. 4.

**Damages for Killing a Cow. Absolvitor.** James Gordon in Lues *v.* Alexr. Robertstone there. The Defender was charged with the "wrongous and violent slaying and felling of ane young kow of four yeiris old or thairby" belonging to the Pursuer, valued at £20. On a reference to his oath he denied the charge and was assolizied.

**Wrongous Intromission.** Alexr. Irwing of Fortrie *v.* Patrick Leith, portioner of Premnay. According to a bargain between them, Irwing was to have the crop of Fortrie crop 1633, but the Defender in breach of contract took possession of it.

11.

**Supplement.** Andrew, Lord Fraser *v.* William Skipper in . £343 11/4 was decerned for, in terms of an Act of Court of the Barony of Carne- bulge, dated 8 September, 1635.

**Trade Debts.** John Gordon, elder, burgess of Abd. *v.* Alexr. Irving, sometime of Beltie, then in Halkhillok of Govell, Alexr. Gordon, lawful son of John Gordon of Tilliehelt, George Gardyn in Blairis, Alexr. Robertstone in Greines of Banchorie Devenik, Margaret Jonstoun, widow of James Boynd, sometime in Kinkowsie, then in Murthill, John Symson at the Miln of Sklettie, Thomas Jaffray, elder, and Thomas Jaffray, younger, in Thorne Rone, Walter Blak in Newburghe and Alexr. Blak, his son, there. The two first Defenders were each amerced in 20/- of expenses, the others in 10/- each.<sup>1</sup>

1. Two of the Defenders seem to have been in Kincardineshire.

## Aberdeenshire Sheriff Court:

1635.

Novr. 14. **Rent.** Mr. Alexr. Reid, burgess of Abd., heritable proprietor of Dilspro *v.* Thomas Merser in Old Abd. The balance of rent crop 1634 and the whole of rent crop 1635 was decerned for, the amount due being settled by reference to the oath of the Defender.

18. **Improbation.** Mr. Alexr. Davidsons, his Grace' Procuratour Fiscall, and John Keyth of Glakriach, for his interest *v.* John Hunter, Notary Public in Abd. The Pursuers sought reduction of the executions upon which the decree Hunter *v.* Keyth [*supra* p. 406] proceeded, as "fals finzeit and forgit be the officer and witnessis," and for the punishment of Hunter. He, however, appeared and consented to Keyth being reponed and the original claim referred to his oath. This having been done Keyth denied the debt and was assolizied.

**Removing.** John, Earl of Mar *v.* Helen Mortimer, widow of Patrick Reid, sometime in Migvie, and Alexr. Farquharsons, her husband. The Defenders were ordained to remove from the lands of Migvie in Cromar, from New Myln of Migvie and Castelltoun of Braemar. Sasine dated 11 May, 1635. Notary Patrick Moriesone.

20. **Registration.** Isobell Meinzeis, widow of Mr. Alexr. Cullen, Baillie, burgess of Abd., and Isobell Cullen, their daughter, as heir of the said Alexr. Cullen *v.* John Leslie, elder, and John Leslie, younger, of Petceppell as principals, and Wm. Seatoun of Scheithin and James Chein of Arnedge as cautioners. The Bond, which was ordained to be registered was one for 1600 merks dated 7 June, 1628, secured over the lands of Petcaple, Arnage and Scheithin, in favor of Baillie Cullen, for himself and in name of his wife, and Alexr. Cullen, their pupil son.

27. **Forthcoming.** Alexr. Irwing of Tassetis, as assignee of James Drum, Merchand, burgess of Abd., and Elspet Watt, his wife *v.* Alexr. Bruce in Carnehill and a large number of others, who were debtors to John Forbes of Gask. The last named was a cautioner along with Wm. Gordoun, Fear of Knokaspok, for John Urquhart of Lathers, in a Bond to Drum for 1000 merks dated 18 and 21 November, 1629, to which Irwing, the Pursuer, had acquired right by Assignation dated 18 June, 1634.

Decr. 2. **Rent.** Thomas Cromly of Kemnay *v.* John Gordon in Auquithie. The rent of Nether Auquithie and the Tempell Croft was decerned for, as also a sum of 100 merks for demolishing the houses on the farm.

16. **Forthcoming.** Charles Stewin, Litster, burgess of Abd., as assignee of Gilbert Johnstoun of Pettiesmyln *v.* Sir Wm. Forbes of Cragievar and Wm. Setoun of Easter Disblair and Wm. Setoun in Larishill, his eldest lawful son, for their interest. The Setounes were debtors in a Bond to Johnstoun for 100 merks, interest, &c., which he had assigned to the Pursuer.

**Account for Dyeing.** Patrick Jak, elder, Litster, burgess of Abd. *v.* Arthur Forbes of Meany. An account of £33 9/10 with £3 of expenses.

**Bear.** Wm. Skipper, alias Fullartoun, in Collen, servitor to Andrew, Lord Fraser *v.* Mr. Alex. Forbes in Turreff. £182 18/- for bear purchased with £3 of expenses.

## Decree Books : Vol. V., Contents

1635.

Decr. 16. **Abstracted Multures.** Gilbert Kar at the Milne of Cragiedarg *v.* George Forbes, Cottar in Muchall, Robert Craig in Corskie, James Straquhan in Kirktoon of Skeyn, Duncan Adam in Glaskowforrest, James Cowper in Kimmundy, Robert Forbes in Tillieoche, John Milne in Drumbreck, and Patrick Jonstoun in Leyludge. These Defenders were or had previously been thirled to the Pursuer's mill.

19. **Rent.** Mr. Wm. Lumsden, Advocat in Abd. *v.* George Gardyn in Houppishill. A balance of rent of the lands of Blairtoun crops 1633 and 1634.

1636.

Jany. 15. **Rent.** Alexr. Irwing of Fortrie *v.* Patrick Leyth, portioner of Premnay. [*Vide supra* p. 409]. Taken with the former Decree this is at first sight confusing, but the explanation seems to be that Leyth remained in possession of Fortrie after his loan over the lands had been repaid, upon the footing that the rent should be at the same rate, as when he was still wadsetter.

20. **Abstracted Multures.** Mr. Wm. Davidsone of Ord *v.* Robert Forbes in Kimmundy, Wm. Ronaldsone in Quhytstaine, Wm. Gray in Easter Kimmundie and Alexr. Straquhane there. Multures abstracted from Mill of Ord.

**Rent.** Mr. Arthur Johnstoune, Doctor of Medicine *v.* Walter Johnstoune in Monkeigie and others. Sir George Johnstoune of that ilk, having borrowed 5000 merks from Dr. Johnstoune, had by contract of wadset assigned to him the half of the rents of Monkeigie.

29. **Transferring.** Isobell Robertsone, widow and Executrix of Mr. Henry Buchan, burgess of Abdn. *v.* James Gordoun in Tilliesoull. The object and effect of this decree was to transfer to the person of the Executrix a former decree [*vide supra* p. 383] obtained by her deceased husband against the Defender Gordoun.

Feby. 5. **Forthcoming.** John Ronaldsone, Maltman, burgess of Abd. *v.* Wm. Leith in Gardyn and Henry Cristall, burgess of Abd., for his interest. Cristall's debt to Ronaldsone was 160 merks but this decree was for £14 only.

**Rent.** Wm. Forbes of Over Torrie, Baillie, burgess of Abd. *v.* Patrick Gordoune, lawful son of Wm. Gordoun of Gordonsmiln. Rent of the Lands of Cottoun. [*Vide supra* p. 403].

10. **Malt.** Andrew Bartlet in Carnie *v.* James Straquhan in Line. 11 merks 6/8 with 20/- of expenses.

12. **Forthcoming.** George Raitt in Lentushe, brother german of John Rait, burgess of Abd. *v.* Patrick Duncan, younger, sometime in Smiddieburne, then in Scottistowne, and George Raitt of Follaroul, for his interest. The debt due by the latter to the Pursuer was 300 merks. In a case immediately following George Raitt tried to establish that the loan was to endure for his lifetime but he failed.

## Aberdeenshire Sheriff Court:

1636.

Feb'y. 12.

**Liquidation.** Janet Leslie, widow of Robert Stewart, sometime of Jackistounne *v.* Wm. Stewart, sometime in Jackistounne, then in Lonheid of Bonytounne. The Defender was owing to the Pursuer 60 bolls of oat meal "rin met sufficient merchand stuff" for his occupation of Jackistounne, in 1634 and 1635. The Sheriff having heard evidence fixed the price at £7 per boll.

**Abstracted Multures.** John Irwing of Bealtie *v.* Alexr. Duncan in Wester Bealtie, James Edie there, James Anderson there and Thomas Coutis in Torphins. Mill of Beltie was the Mill to which the Defenders had been thirled.

19. **Exhibition and Delivery of Writs.** Alexr. Urquhart of Craighous and Robert Irving of Federat, his Curator *v.* Sir Alexr. Irving of Drum, knight. A long and interesting list of writs of the Pursuer's lands were called for and in obedience to the summons were exhibited and delivered up by the Procurator for the Defender. The Bishop of Ross was apparently superior of the lands.

**Forthcoming.** Alexr. Meingzeis, brother german of Thomas Meingzeis of Balgownie *v.* James Buchan in the Maynes of Arnedge and other tenants of James Chein of Arnedge, and the said James Chein, for his interest. Chein, along with Wm. Seatounne of Scheithin, were debtors to the Pursuer under an obligation for 1270 merks, and Chein's rents had been arrested.

**Merchandise.** Peter Moir, burgess of Abd. *v.* Mr. Patrick Hay in Knappisleask, Alexr. Moir in Houssahill, John Lawrence in Deir, James Clerk, sometime in Houssahill, then in Striechin, and Patrick Johnstoun in Drnmquhendill. One of the debts had lain over since Durstanday 1628, another since the same term in 1633 and another since the same term in 1634. Expenses 6/8 each.

**Leather and a Saddle.** Patrick Blak, Saidler, burgess of Abd. *v.* Wm. Anderson in Baffie, George Mitchell in Cocklay and James Castell in Conzeak. Anderson was due 58/- for a "coft saiddill." The others for leather, of which the quantity is not given. Expenses against Anderson 10/-, against each of the others 5/-.

24. **Rent.** James Fraser of Tyrie *v.* Robert Milne in Haltoun of Forrest. The rents for 1632, 3 and 4, of the lands of Orde, belonging to the Pursuer, were claimed. Expenses £3.
26. **Rent.** John Alschioner, burgess of Abd., heritable proprietor of the lands *v.* David Fettes, sometime in Auchmull, then in Croves. The "maill dewtie & customes" of a plough of Auchmull for 1635 converted into money £75 9/8 Scots. One of the items was "four hundreth truffis pryce threttie tua schilling." The Pursuer's author was James Gordon of Auchmull. Sasine dated 29 November, 1633. Notary Mr. George Robertstone. Expenses £3.

**Liquidation.** Elizabeth Seton, widow of Wm. Gordon of Abirzeldie and life-rentrix of the lands *v.* Thomas Wastland in Bantooth and others. The Pursuer produced a Court of Session decree for payment, dated 23 January, 1636. The price of the boll of meal and bear overhead for crop 1634 was fixed by witnesses at £9.



## Decree Books : Vol. V., Contents

1636.

Mar. 2. **Money Claim.** James Blakhall, burgess of Abd. *v.* Alexr. Kay in Binghill. A claim of 40/- money and four merks for an old account for meal. Expenses 20/-.

4. **Forthcoming. Absolvitor.** Arthur Dalgarno in Fortrie *v.* Nathaniel Leask, lawful son of Wm. Leask of that ilk, and the said Wm. Leask, for his interest. The Pursuer had a claim against the late Wm. Wood of Colpnay, for which Wm. Leask was a cautioner. He used arrestment in the hands of Nathaniel Leask, who denied on oath that anything had been arrested.

**Supplement.** Andrew Gray in Rattray *v.* Arthur Smyth, sometime in Bilbo, then in the Maynes of Crimond. An Act of Court of the "landis and maynes of Crimond haldin in the chalmer of the samen" upon 18 December, 1635, was produced.

**Borrowed Money and Multures.** Wm. Lyone at the Myln of Auchterellon *v.* (1) Adam Gall in Rainestoune and (2) Patrick Glennie in Kynharrachie. Expenses 20/- each.

9. **Rent. Desertion of Holding.** James Keyth of Kinnady *v.* Walter Thomsone, sometime in Kinnady. The Defender had taken a five years' lease of the half lands of Meikill Kynnady in Kynnellar, by lease dated 8 April, 1633, but had left the "cuntrie and his rowm in Februar last" without paying his rent.

**Rent.** Alexr. Lyone of Murisk *v.* Wm. Mitchel in Drumdolo, occupier of half a plough of the lands of Begishill crop 1634, for which he was ordained to pay as rent, 12 bolls of meal at £10 per boll. Expenses £3.

11. **Sundry Debts.** John Robisone, burgess of Abd. *v.* James Kelmane in Belchirrie and others. Kelmane was ordained to pay 8/- for each ell of 20 ells of "thrie quarter bred linning."

16. **Registration.** Marjorie Anderson, widow of Wm. Gordon, burgess of Abd. *v.* Wm. Seton of Schiethin, as heir of George Seton of Schiethin, his father, who had been one of the cautioners for Mr. John Chein of Arnedge in a Bond for 2000 merks, dated 11 November, 1613. Among the witnesses to the Bond was John Gordoun of Tilliechowdie.

**Supplement. Rent.** Wm. Seatoune of Meldrum *v.* Robert Arthour, sometime in Kirktoune of Bathelnie and others. Various Acts of Court of the Barony of Meldrum were founded on.

**Accounts for Dyeing.** Patrick Jak, elder, Litster, burgess of Abd. *v.* (1) Nathaniel Heriot in Boddum £8 5/5 and (2) James Ogilvy in Auchlewchries £6 5/5. Expenses 20/- each.

**Rent.** James Murray, son of James Murray, burgess of Abd., and Alexr. Murray, burgess there, his Tutor *v.* Grisoll Matthow in the Newburghe, occupier of certain rigs of land there. Expenses 30/-.

## Aberdeenshire Sheriff Court:

1636.

- Mar. 16. **Supplement. Rent.** Alexr. Irving of Fortrie *v.* James Moir in Wastoun. An Act of Court of the lands of Wastoun dated 30 October, 1629, was founded on.

**Rent, &c.** Doctor Arthour Johnstoune *v.* Hector Glennie in New Leslie, who had not paid 50/- for a ewe which he had bought in 1634. The other Defenders were owing rent for occupations in New Leslie and Drungowin.

17. **Rent.** Alexr. Irving of Fortrie *v.* Wm. Andersone in Culfork. The rent, &c., of Auld Myln of Wastoun crop 1633 was decerned for. Expenses 40/-.

18. **Supplement. Rent.** Mr. Alexr. Dowglas, Doctor of Medicine *v.* Andrew Reid, at the Myln of Drumbreck and James Smyth in Uriewallis. Decree had passed against the Defenders in a Court of the lands of Drumbreck, held in the Defender Reid's chamber, upon 8 October, 1635, Wm. Lawtie in Myrhous being Bailzie.

**Supplement. Rent.** Francis Fraser of Kinnmundy *v.* George Rickart, sometime in Thunertoune, then in . . . . . An Act of the Court of the Barony of Kinnmundy "haldin within the Hall of the samen" on 30 November, 1635 by Thomas Robertsone in Faichfeild, as Bailzie, was founded on.

**Abstracted Multures.** George Seatoune in Bromeend of Creichie *v.* Robert Chopman in Blairfauld and others. The Pursuer claimed for corn abstracted from Myln of Bourtie in the years 1629 to 1634 inclusive. Expenses against Chopman 30/-, against the others 12/- each.

23. **Wrongous Intromission.** John Seatoune of Anquhorties *v.* Patrick Jackistoune in Houppishill of Balhelvie, Andrew Measone in Auld Abd., Alexr. Myln at the Myln of Ardo and Arthur Blackhall in Crabidnoche, for his interest. In virtue of a Decree of the Court of the Lands of Tilliery against Blackhall, the Pursuer had arrested his effects, which, notwithstanding the arrestment, the other Defenders had intromitted with. Among the effects arrested and intromitted with was a black horse valued at £16, 3 cows at 14 merks each and 5 ewes at £1 13/4 each.

**Meal.** Robert Spence in Kellie *v.* David Sinclair in Boigheid of Asleid. The Defender had been due 13 bolls 1 firlof of meal to Isobel Leask "guidwyff of Asleid" but had promised at her request to pay to the Pursuer. £8 per boll was asked but the price was fixed after evidence at 10 merks 10/8. Expenses £3.

**Exhibition of Writ.** John Johnstoune of Frosterhill *v.* Mr. Wm. Moir, burgess of Abd., and Wm. Gordoun, Patrick Gordoun and Wm. Forbes, for their interest. The Pursuer claimed, as heritable proprietor of the "New Myln callit Gordounes Myln," to be entitled to get delivery of the original Charter by the Bishop of Abd. Neither the name of the Bishop nor the date of the Charter were given, but the Defender, Moir, produced the Charter and got out of the case. Wm. Forbes, however, was represented and was allowed until 1 June to object to the delivery of the Charter to the Pursuer.

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- Mar. 25. **A Tailor's Account.** Wm. Andersone, Tailzour, burgess of Abd. v. James Gordoun in Bankes, as principal, and John Gordoun of Awachie, as cautioner for him. £38 for "workmanschepe and Inglis cloth" with 40/- of expenses.

**Abstracted Multures.** Wm. Cowper at the Litill Myln of Essilmonth v. Thomas Mitchell in Hiltoune. Decree passed, according to the Defender's admission on oath, with 30/- of expenses.

30. **Supplement. Rent.** Wm. Duguid of Auchinhuiff v. Robert Kennedy in Carnetoune, John Myln in Mylntoune of Auchinhuiff, Charles Black, sometime in Warthill, John Elmslie in Tulloch and Wm. Og, sometime in Carnetoune. Various Acts of Court of the Lands and Barony of Auchinhuiff were founded on. More than one of them had been held in the dwelling house of Alexr. Fraser in Mariewall. An extract of the fiars of crop 1633 was produced to prove the price of "brockit aittis," the price being £5.

**Forthcoming.** Wm. Hay of Crovie v. Alexr. Moir in Chappeltoune and John Bruce at the Myln of Essilmonth, for his interest. In terms of a Bond recorded in the Books of Council and Session on 23 January, 1622, Bruce was due to the Pursuer 600 merks, for securing of which an arrestment of the rent of the Middle third of Chappeltoune belonging to Bruce had been used in Moir's hands. The peculiarity of the case was that, in spite of the production by Moir of a Decree of the Commissary Court in obedience to which he had paid what was in his hands, to Alexr. Hay in Carnehill, another creditor of Bruce, and of a discharge by Hay, decree of forthcoming was pronounced against him. The reason apparently was that they were not timeously pleaded, the Sheriff giving effect to the plea that they should not be admitted "statu causae quo nunc."

31. **Bond of Provision. Liability of Heir.** Richard Cruikschank, lawful son of the late Alexr. Cruikschank, elder, burgess of Abd. v. George Cruikschank, burgess of Abd., and nephew to the Pursuer. There are two decrees of great length, intricate character and almost impossible to summarize. They arose out of a Bond of Provision and the Testament of the late Alexr. Cruikschank, the elder, who had right to the shadow half of the lands of Cottoun, and to a half net's fishing of the "Mid Cheangill on the Watter of Dee" granted in favor of his younger sons, of whom the Pursuer was one. Alexander Cruikschank, eldest son of Alexr. the elder, acting as Tutor to and for behoof of his younger brothers, sold the lands of Cottoun to Patrick Gordoun of Gordons Myln in 1609. The Pursuer sued in his own right, and as assignee of his brother Patrick Cruikschank, conform to an assignation signed at Naples on 29 October, 1633. Among the numerous productions was an extract from the Commissary Court Books of the Fiars prices from 1607 to 1634 inclusive. The Defender's liability arose from his being the heir of his brother, Alexander Cruikschank, who was son and heir of Alexander Cruikschank, the younger, who as Tutor had sold the lands and dealt with the fishing, and so made himself liable to carry out the provisions for his younger brothers.

## Aberdeenshire Sheriff Court :

1636.

Mar. 31. **Rent.** Mr. Wm. Burnet, Minister at the Kirk of Kinernie *v.* Wm. Touch in Sonhennie and others.

**Forthcoming.** Mr. Alexr. Reid, Advocat in Abd. *v.* John Leyth of Blairtoun, James Forbes in Kinnellar and Isobel Forbes, his wife, Wm. Wood in Kinnellar and Isobel Hunter, his wife, and Henry Christall, burgess of Abd., for his interest. Christall was one of the obligants in a Bond for 2316 merks, granted in favor of Hercules Tailzour of Borrowfeild, which had been assigned to the Pursuer. The Defenders were debtors to Christall. The Bond had been registered in the Sheriff Court Books on 8 January preceding.

**A Long Standing Account. Subscribed Ticket.** Alexr. Watsone, Messenger *v.* Gilbert Keyth of Auchiries. The Pursuer got decree for £17 17/8 "conforme to ane ticket subscriit be the said defendar of the daitt the thretteint day of October i<sup>m</sup> vi<sup>c</sup> and tua yeirs for the charges & intertainment of the said defendar his horss and boyes preceeding the said thretteint day of October." Expenses £3.

**Fish, Hemp, Salt, &c.** Patrick Meinzie, burgess of Abd. *v.* (1) Patrick Craik in Langheavin "half ane disson of sufficient skaittis pryce thairof fourtie schilling" and 27/- for merchandise (2) Wm. Kean there £5 for "fyv quarteris of hemp coft and resaivit be him," and (3) Katherine Falconer, Lady Schives, 8 merks being the balance of £16 for entertaining Mr. Patrick Gray, her son, 5 merks for "ane iron pott," and 20/- for "tua pecks of salt coft and resaivit." Expenses 10/- each.

**Forthcoming.** Mr. Alexr. Reid, Advocat in Abd. *v.* Patrick Jack, younger, Litster, burgess of Abd., and Patrick Gordoun and Andrew Ingrahame, Litsters there. This was another action based upon Henry Christall's Bond to Tailzour of Borrowfield, to which Reid was assignee. [*Vide supra*].

**Forthcoming.** Patrick Fergowsone, burgess of Abd. *v.* Patrick Jak, younger, and Andrew Ingrahame, Litsters, burgesses of Abd. This was a forthcoming arising out of a Bond by Henry Christall to the Pursuer for 200 merks, upon which arrestments had been used *pari passu* with those in the case last above noticed.

April 19. **Borrowed Money. Price of a Horse.** John Philp in Balblair *v.* (1) Alexr. Bain in Maines of Eight 25 merks of borrowed money with "ane yeiris profite thairof" and (2) Alexr. Adam, also in Maines of Eight 19½ merks being the price of a horse "coft and resaivit." Expenses 26/- each. These April Courts were held by virtue of letters of dispensation.

27. **Delivery. Value of Queys.** Alexr. Nicoll in Midmar *v.* Alexr. Ridlar in Lurge. James Chrystie, sometime in Balblair, then in Torrie, having sold to Nicoll at "Michalday" 1635, "tua quoyakis ane thairof black hornit and the uthur quhyt humell," worth £8 each, sent them to the Defender to be wintered, with instructions to deliver them thereafter to the Pursuer. This decree was required to compel delivery, or payment of the value.



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1636.

April 27. **Spuilzie of Cloth.** Wm. Ironsyd in Carnehill, in the parish of Ellon, and Marjorie Reith, his wife *v.* Andrew Arthur in Carnehill. The complaint was that the Defender had taken out of the Pursuer's house at Carnehill in March preceding, "ane wob of gray waiket cloth of tuell ellis or thairby pryce of the ell tuentie schillingis" . . . . "maid be the said persewares wyff & servands in his awin hous in the moneth of Februar last or thairby spun woven & walkit be them." Decree passed for 5¾ ells at 18/- per ell, with 30/- of expenses.

**Malt and Meal. Subscribed Ticket.** Patrick Meinzie, burges of Abd. *v.* John Arbuthnot of Carnegall. Two bolls of malt and one boll of meal or 10 merks per boll, according to a subscribed ticket dated in May, 1631, were decerned for with 40/- of expenses.

**Onions, Apples and Hops.** Patrick Meinzie, burges of Abd. *v.* George Anderson in Deir. There was decree for "sewin merks monie for ilk barrel of tua barrellis inzcones fyv merks for ane barrell aipills & sewin merks for fourtein pundis of hoip all coft & resaivit." Expenses 40/-.

May 4. **Warrandice and Relief.** Robert Mill in Quhytsteine *v.* Wm. Forbes, Smith in Kincardin o' Neill. The Defender had sold on a market day to the Pursuer "ane black broune backit ox hayd" [hide], which was afterwards challenged as having been taken from a stolen ox. [*Vide Illustrative Examples infra*]. This and other cases in May were tried by virtue of Letters of Dispensation.

11. **Rent and Removing.** Margaret Gordoun, widow of George Barclay of Auchredie *v.* Mr. Francis Barclay of Auchredie, her son. The rent of the lands of Auchredie, in the parish of Ellon, crop 1634 was claimed and decerned for, but the Defender was assoilzied from the conclusions for removing, in respect the Pur-uer "failziet & succumbit in proveing the superplus of the said lybellit summonds of the defendar his inhabilitie to plenische the grund."

18. **Wool.** James Cruikshank, burges of Abd. *v.* Alexr. Wilsone in Glenniestoun, John Paxtoun in Brankanenthim and Andrew Fyff there. The Defenders were found liable conjunctly and severally in payment of "nyn pundis for ilk ane of four staines of wooll coft & resaivit be them in Februar im<sup>m</sup> vic threttie & fyv yeirs and quhilk sould have bein payit at Sanct Serves day in the said yeir." Expenses 40/-.

20. **Abstracted Multures.** Janet Irving, widow of Robert Thomson, sometime at the Ward Miln of Drum and Robert Irving, her husband *v.* George Irving in Abd. but formerly in Dowaltie. It is mentioned that Alexr. Irving, sometime in Tarsettis, then in Lastis, had been Sir Alexr. Irving's Chamberlain in 1631, 1632 and 1633.

**Seed Bear, Rent, &c.** Sir Alexr. Irwing of Drum *v.* George Irwing, sometime in Dowaltie, then in Abd. Part of the claim was "ane leitt of peitis pryce thair of ten merks with bonnage [spelled also "bonadge"] service harriage carriage and uther dew service sick as earing of land harrowing mucking sheiring leding of cornes and carriages with uther service estimat to sextein pundis." Expenses £3.

## Aberdeenshire Sheriff Court :

1636.

May 25.

**Supplement. Brewing Tallow.** Alexr. Cobane in Cultis *v.* Alexr. Mortimer there. By an Act of Court of the Lands of Eastoune, dated 14 December, 1633, the Defender had been found liable to pay to the Pursuer "fyve merks for ane stein of tallow in respect the said defender did brew without licence of the persewar quha haid the privileged of brewing of the said toun & lands of Eastoun" crop 1633.

June 1.

**Meal. Subscribed Ticket.** Andrew Meldrum, burgess of Abd. *v.* James Seton, sometime in Liddauch of Skeyne, then in Abd. By subscribed ticket the Defender had bound himself to pay 32 merks for two bolls of meal. Expenses 30/-.

**Registration.** Marjorie Inglis, widow and executrix confirmed to George Peacock, Apothecar in Abd., and Paul Colliesone, burgess of Abd., her husband *v.* Sir James Gordon, elder, of Lesmoir, knight baronet. This was a decree for the registration of two obligations, both dated 23 November, 1633, for 170 merks and £150 respectively, by which Sir James was bound as cautioner and full debtor for George Leslie of that ilk. Among the witnesses to the Bonds were Robert Seatoun of Minnes and Mr. Robert Maitland, Minister of Abercherder. Peacock's confirmed Testament was dated 24 April, 1634, and the widow's confirmation 8 January, 1635.

**Forthcoming.** Mr. Robert Ferquhar, Bailzie, burgess of Abd. *v.* Andrew Meldrum, late Bailzie, burgess, and Gilbert Cullen, burgess, for his interest. By an obligation, dated 25 November, 1631, Cullen became bound to pay 400 merks to the Pursuer. Meldrum admitted that £26 8/6 had been arrested in his hands, for which decree passed.

**Rent.** Thomas Forbes, heritable proprietor of three ploughs of Mains of Cluny, called the Auld Maynes, with consent of Thomas Forbes, burgess of Abd., his Tutor *v.* Wm. Broune and others in Maynes of Cluny, and Sir Alexr. Gordoun of Cluny and Wm. Couttis, sometime of Auchtercoull, for their interest. Sasine dated 24 July, 1633. Notary Mr. Robert Reid. Letters of Tutory under the Great Seal, dated 26 February, 1636, and Act of Caution, dated 23 March same year [Cf. Inq. de Tut. No. 497.] were also produced.

8. **Violent Profits.** Robert Irving of Feddrett, as Assignee of the Marquis of Huntly *v.* John Duguid, sometime in Littill Govell. The Pursuer produced an Assignment to the Decree of Removing obtained by Lord Huntly on 22 August, 1634 [*Supra* p. 397] and to the violent profits during Duguid's subsequent possession.

**Merchandise.** Leonard Leslie, burgess of Abd. *v.* Adam Abercromby of Old Rayn. £38 8/- for merchandise "coft and resaiwit" in 1633, with 40/- of expenses decerned for.

10. **Rent.** Sir Alexr. Gordon of Cluny *v.* Wm. Robertsons in Inche, Robert Betie in Nather Boddum and other tenants of Nather Boddum. Sasine dated 28 April, 1636. Notary Wm. Symsons.
15. **Removing.** Thomas Cromby of Kemnay *v.* George Lundy in Glenheid and Wm. Frost in Quhytstain. Sasine dated 28 July, 1624. Notaries Thomas Forbes and the late Patrick Smyth.

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June 15. **Removing.** Sir Paul Meinziez of Kinmundy *v.* Margaret Cruiffis and George Cheyn, her husband, in Kinmundy and John Lyell in Drumnagair. Sasine dated 17 June, 1601. Notary Walter Robertstone.

**Removing.** Mr. Alexr. Jaffray of Kingiswallis, Provost of Abd. *v.* John Gordon of Invermarkie and tenants thereof. Sasine dated 10 June, 1635. Notary James Andersone.

**Removing.** Janet Forbes, widow of Alexr. Lillie, Clerk substitute of the Commissariat of Abd. *v.* Margaret Blakburne in Old Abd. The Pursuer was liferentrix of a house and tenement on the South of the Kings "commond gait" in Old Abd. Sasine dated 3 June, 1627. Notary Thomas Forbes.

**Supplement. Meal and Kirk Duty.** Mr. James Forbes of Haughtoun and John Forbes of Balnagask *v.* John Gareoch in Badivin. An Act of Court of the lands of Badivin, dated 17 November, 1635, was given effect to.

**Removing.** John Fortes of Balnagask and Mr. James Forbes of Haughtoun *v.* John Garioch in Badiewin, Wm. Garioch, his son, John Aesone at the Myln of Aslowne and Arthur Mitchell in Smidiehill. Both Pursuers sued as heritable proprietors of the "Tounes and Landis of Balfluig, Fermetoune, Maynes of Balfluige with the pendicle callit Claymyeir Kardis croft with the pertinents and the lands of Badiewin," while Mr. James Forbes sued as heritable proprietor of Smidiehill Cobilseat and Perslick with the pertinents. Two Sasines were produced dated respectively 4 July, 1623, and 1 June, 1630. Notaries Wm. Simsone and Wm. Forbes.

17. **Exhibition and Delivery.** Andrew Meldrum, laitt Baillie, burgess of Aberdeen, heretabill proprietor of the Lands of Iden *v.* Patrick Urquhart of Lethintie, Elizabeth Urquhart, widow of Thomas Meldrum of Iden, and Patrick Meldrum, their son. The conclusion was for exhibition and delivery of a Sasine of the lands and barony of Iden, in favor of the said deceased Thomas Meldrum, proceeding on a precept from Chancery and dated 19 June, 1599, the Notary being the late Donald Urquhart. The deed was delivered up in Court.

22. **Removing.** Alexr. Buchan of Auchmacoy *v.* James Skynner and George Pirie in Dorbishill. Sasine dated 29 September, 1617. Notary Thomas Cromby.

**Abstracted Multures.** Robert Irving of Feddrett *v.* Andrew Croyl in Bredlamuir, Elspet Falconer in Auquherthie and Alexr. Crafuird in Auquheoch. The Pursuer's Mill of Feddrett was that to which the Defenders had not resorted in 1634 and 1635. Expenses 10/- each.

24. **Removing.** Alexr. Forbes of Auchintowl *v.* Thomas Farquharsone in Bogysyd, George and James Clerk in Castellhill and Sir George Johnstoun of that Ilk. At one stage not only Sir George Johnstoun but Wm. Forbes of Tolquhon, Walter Forbes of Thainstoun, John Forbes of Balnagask and John Forbes of Gask, appeared for their interest. Two Sasines were produced, dated respectively 30 November, 1631, and 6 April, 1632, the Notaries being Wm. Symson and Wm. Forbes.

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1636.

June 24.     **Supplement. Malt.** James Sharp in Littill Ledinturk *v.* Alexr. Crystie at the Milne of Tilliefour. By an Act of Court of the lands of Tilliefour, belonging to James Forbes of Cloak, dated 15 April, 1635, the Defender had been ordained to pay to the Pursuer £40 for four bolls of malt, crop 1633.

29.     **Removing.** Sir Alexr. Irwing of Drum *v.* Wm. and James Aikin, occupiers of Tilliegrig and Slugmagullie in the parish of Udney. Sasine 2 October, 1634. Notary James Ross.



## Illustrative Examples taken from Vol. V. of Decree Books

### Decree of Supplement. Trespass of Cattle, &c.

(14 Novr 1634)

The said day anent the actione and caus of Suppliment persewit at the instance of James Ogiluie in Cuschnie agains George Gordon sumtym in Cuschnie TUITCHING the persewares lybell desyryng the defender to heir and sie the Shreffis authoritie in supplimentum justitiæ interponit in and to ane Act of Court of the third pairt lands of Cuschnie perteing heretablie to Robert Dempster and the said persewar, QUHAIRBY the said defendar was decernit to pay and delyver to the said persewar as Assigney constitute be the said Robert Dempster the sowme of sex pundis pennie maill quhilk sould have bein payit at Witsonday i<sup>m</sup> vi<sup>c</sup> threttie thrie yeiris And als the defendar be wertew of the said Act wes decernit to pay and delyver to the said persewar the sext pairt of tua peckis aittis in the nicht for ilk nolt of tuell noltis and ane firlott aittis in the nicht for ilk meir of four meiris tua peckis aittis in the nicht for ilk fyv scheip of thrie scoir scheip and ane peck aittis in the nicht for ilk guis of sewin geiss all the said guids perteing to the said defendar, Quhilks guidis lay thriescoir nichtis in the cornes of Cuschnie out of the fauldes thairof betuixt the sewint day of June i<sup>m</sup> vi<sup>c</sup> threttie thrie and the last day of October thaireftir BECAUS the said Complenar haid onlie the sext pairt of the toun and lands of Cuschnie and cornes thairon growand quhilk sext pairt of the said skaithe extends in number to thriescoir bollis thrie firlottis aittis half intoun half outtoun, and failzeing of not payment of the saids aittis the said defendar wes decernit to pay to the said persewar fyv merks half merk for everie boll of the intoun cornes and fyftie schilling for everie boll of the outfeild cornes making in the haill the sowme of nyn scoir sewin pundis monie And als wes decernit to pay to the persewar six firlottis aittis pryce forsaidis skaithit in his yardes be the said defendares meiris And als the said defendar wes decernit to pay to the said persewar and to the said Robert sex firlottis bear with the fodder schorne and away tain be the said defendar furth of an bar yard sawin be them the said cropt i<sup>m</sup> vi<sup>c</sup> threttie thrie yeiris or then ten pund for the boll thairof, And lykwayes the said defendar was decernit be wertew of the said Act to restoir to the said persewar ane hewit plaid tain be him frae William Greiv cottar to the said persewar or then to pay to the said persewar ten merks for the samen as in the

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said Act of Court of the daitt the thretteint day of Februar <sup>im</sup> vi<sup>e</sup> threttie four yeiris at mair lenth is contenit, And that be reasson the said defendar is removet furth of the saids lands swae that the officer thairof cannot putt the said Act of Court to executione [Then follows the statement that the Procurator for the Pursuer moved for Decree, that the Procurator for the Defender passed from his "compeirance" and whole defences and eiks and that the Sheriff depute pronounced decree].

### Decree for Delivery. Plate, Jewels, Furnishings, Clothing, &c.

(5 Decr 1634)

THE QUHILK DAY anent the actione and caus persewed at the instance of Elspet Gordoune spous to Androw Hunter burges of Aberdeine and the said Androw for his entres against Thomas Meinzes of Balgownye Alexander Meinzes his brother german and Janet Gordone relict of umquhill Mr Thomas Meinzeis of Balgownie touching the persewars lybell Desyring the saidis defenders or ather of them to heire and sie themselff decernit be decreit of court ordour of law and Justice to rander restore and delyver back againe to the saidis persewers the haill moveable guidis goldsmith wark silver wark jewells abulziement<sup>1</sup> insicht and plenishing contained in ane Invenster produced quhill was brocht to the defenders houssis in Aberdeine be the said Elspet Gordone spous to the said Androw to be keepit and preservit be the saids defenders ay and quhill the same wer sought back againe be the saidis persewers and that allannerlie in custodie and keeping, Togidder lykwayes with ane stand of armour tapestrie thrie lockfast trunkis thrie lockfast kistis whairin there was sundrie spaices<sup>2</sup> of moveable guidis insight and plenishing, Quhilkis guidis and geir wer brocht to there houssis in Aberdeine in the moneth of Junij or Julij <sup>im</sup> vi<sup>e</sup> and twentie and nyne yeiris And quhill guidis and geir aboue writtin conteynit in the said Invenster The saidis defenders nor nane of thame will delyver againe to the saidis compleners unles they be compellit And seing the saidis defenders at least the said Alexr Meinzes hes poyndit and apprysit ane greate pairt of the saidis guidis and geir for satisfacione of ane certaine debt alledgit restand to him as assignay constitute be the said Thomas Meinzes his brother the saidis defenders or ather of them should be decernit to delyver and restore back to the saidis persewers the superplus of the guidis geire insight and plenishing goldsmith wark silver wark and uther guidis and geir efter specifeit quhillk remaines in the said defenders handis by and attour the guidis and geire quhilkis are poyndit and comprysed be thame or then to pay the pryces thairof efter following viz Twa peeces of turkie tapestrie

<sup>1</sup> Habiliments.

<sup>2</sup> Species.

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pryce fourtye merkis the peece Item thrie codis <sup>1</sup> pryce fourtie pundis Item ane napkin wrought with gold pryce twentie pundis Item thirteine coveringis to over beds pryce of the peece ten merkis Item four roses of pearle with ane rubie in evrie rose pryce of the peece [part of a line illegible] stand of courtanes of Indian taffetie pryce fyftie pundis Item ane covering to ane bed of Indian Taffetie pryce twentie pundis Item four coveringis of Spaines taffetie to draw on cods pryce of the peece ten merkis Item ane Turkis turban pryce ten pundis Item fourtie fyve codwares pryce of the peece fyve merkis Item fourteine paire of small sheitis pryce of the paire four pundis Item aucht paire of medling sheetes pryce of the paire fourtie shillingis Item fyve paire of sheetes sewed with black silk pryce of the paire ten merkis Item sevin paire of sheetis with perling pryce of the paire fyve pundis Item twa fair Netherland boord-cloathes pryce of both ane hundreth pundis Item twell servites pryce twell dolors Item twentie thrie damask servites pryce ten merkis Item fyve short buirdcloths pryce of ilk peece ane dolor Item twa faire hand towells of damask warke pryce ten dolors Item sevin Dornik <sup>2</sup> hand towells pryce fourtein merks Item ane faire sewed hand towell pryce fiftie merkis Item ane Muscoviters drinking claith sewit withe gold pryce twentie merkis Item thrie drinking claithis with pearling pryce ten pundis Item ane hand towell sewed with reede silk pryce ten merkis Item twa Turkie turbandis with reid and yellow silk maid of caddouse pryce twentie pundis Item ane belt of greene velves broudered with gold pryce fourtie pundis Item twa upstandeis of ane brase to ane chimney pryce twentie merkis Item ane brasin pan for warming of ane bed pryce ten pundis Item ane yrone heid peece pryce fyve merkis Item ane pair of mailzie sleeves pryce fyve pundis Item Sex tion(?tin) crownes to stand on ane bed pryce thrie pundis Item ane little bell pryce thrie pundis Item ane allabaster stoup fourtie schillingis Item twentie sex Indian sausters with ane great plett for confectiones pryce of all twintie merkis Item twa choffers of brasse pryce ten pundis Item four cowsheiris pryce four pundis Item two Venice sponges pryce four merkis Item twa Muskoviters goblets with four spoones overgildit pryce ten pundis Item four allabaster broades overgildit pryce thrie pund for ilk peece thei of Item ane chasebrod overgilt pryce four pundis Item ane cloak of Spanies cloath all lyned through with velvet pryce thrie hundreth merkis Item ane stand of figured velvet pryce fiftie pundis Item ane stand of Wushorne velvet pryce ane hundreth pundis Item ane stand of Grograme silk pryce thirtie pundis Item ane damask dowblet pryce thirtie pund Item thrie paire of silk stokins pryce of the paire sextein pundis Item twa paire of silk garteris pryce of the peece aucht pundis Item ane velves heid for ane woman pryce sexteine pundis Item ane Joope with ane skirt

<sup>1</sup> Pillows.

<sup>2</sup> Linen from Tournay.

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of reed cloath all pesmented pryce fourscore pundis Item ane fyne waskine <sup>1</sup> with ane pesment of silver about the taill pryce fiftie pundis Item ane figured browne velves gowne pryce thrie hundreth merk Item ane figured blak velves gowne pryce twa hundreth merkis Item ane stand of greene Scottis courtingis pryce twentie merkis Item twa scarfis of crispe <sup>2</sup> pryce of the peece ten pundis Item ane Ibine <sup>3</sup> standwart pryce four pund Item ane trunk with twa kistis pryce of all twentie merkis Item ane Turkie scarff wovin with silver pryce twenty pundis Item fyfsteine bookis of English language pryce of all fourtie pundis Item twa cases full of wreittis pryce [blank].

[Eventually and upon proof of payment of poinding creditors Decree for Delivery was pronounced as concluded for : but the Defenders were assoilzied from the prices libelled]

### Decree for Borrowed Money. Sick Certificate, &c.

(25 Februy 1635)

THE SAID DAY anent the actione and caus persewit at the instance of Magdalen Innes spous to Gilbert Johnstoun of New Leslie and the said Gilbert for his entres agains Jane Innes Ladie of Balquhyne and Johne Leslie of Balquhyne hir spous Tuitcheing the persewars lybell makand mentione that quhair at the feast of Witsunday <sup>im vi<sup>c</sup></sup> threttie thrie yeires the said Janet Innes Ladie of Balquhyne [the said John Leslie being] for the tyme in the South countrie and schoe haweing the charge of his effeires at the said terme and defraying of his debtes most earnestlie intreattit the said Magdalen hir sister to len hir the sowme of ane thowsand merkis money to help hir to defray hir husbands debts schoe being wehementlie usit be his creditors and [at] quhais most earnest desyir and request at the said tyme the said Magdalen delyvered the said thowsand merkis to the said Janet Innes in borrowing and quhilk sowme was convertit to hir husbands use and imployed for defraying of hir husbands debtes viz delyvered to Sir Alexander Hay of Delgatie, Knight to quhom he was restand grytter sowmes And notwithstanding that the said sowme was takin up be hir and convertit to John Leslie of Balquhyne hir husband his utilitie and proffeit as said is and that it be of weritie that the saids complenars hes dyverss tymes soucht payment of the said sowm yit not the les the said defendars refuissis postpones and deferrs to mak the complenars payment of the said sowme without they be compellit Desyring the saidis defendars to heir and sie themselffes

1 A kirtle or petticoat.

2 Cobweb lawn.

3 Ebony.



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decernit to pay and delyver to the saidis compleners the said sowme of ane thowsand merkis for the reassones and caussis forsaidis or then to alledge as in the said persewars lybell at mair lenth is contenit IN THE TERME assignit To Maister William Barclay procurator for the saidis defendars to produce them to giw thair aithes of weritie upone the contentis of the said persewars lybell with certificatione pro confesso Comperit the saidis persewars with Mr Alexr Dawidsone thair pror. and the said Magdalen Innes hawing giwin hir aith de calumnia in the said caus they desyrit the said deyet to be satisfeit and In respect of the saidis defendars thair not comperance protestit for circumduccion of the terme and for decreit condemnator in the said caus Ex adverso comperit Mr William Barclay forsaid pror. for the saidis defendars and producit ane testimoniall subscrivrit be Johne Leslie of Petcapill William Abercrombie John Petrie Patrik Leslie Notar and Mr Patrik Cheyne alledgit eldars of the parochine of the Chapell of Garioch within the quhilk parochine the saidis defendars duells thair being no actuall minister at the said kirk for the tyme, beirand the said Janet Innes to be great with bairne and unable to trawell in respect thair of and of the present storme and tempest of snaw And thairfor protestit that na circumduccion of the terme nor decreit condemnator sould be giwin aganes hir and Johne Leslie hir spous in respect it was alledgit be the said Mr William that he haid compeirit abefoir and offerit to haiw giwin his aith in the said matter quhilk was refuissit Quhairunto it was anserit be the said Mr Alexr Dawidsone that the said alledgit testimoniall was null and could not supplie the absence of the said Janet not being giwin and subscrivrit be ane minister, Doctor of Phisick nor be designit eldars of the said parochine upone thair soulles and conscience nather was thair anything producit to suplie the absence of the said John Leslie this day being assignit to the said Mr William to produce him and his said spous And thairfor protestit for circumduccion of the terme and Decreit condemnator as said is

[The Sheriff depute gave effect to the Pursuer's contention, considering the testimonial produced insufficient to satisfy the peremptory diet of appearance, which had been assigned, and pronounced Decree with £3 of expenses].

### Decree of Warrandice and Relief. A Stolen Ox Hide.

(4 May 1636)

The said day anent the actioun and caus persewit at the instance of Robert Mill in Quhytsteine agains Wm Forbes, Smith in Kincardin O Neill Tuitching the persewar his lybele sumonds making mentione that

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quhair in the moneth of Januar last bypast he coft and receavit fra the defender being ane marcat day ane black broune backit ox hayd and peyit to the defender thairfor thrie pundis Scotis money Nochtvithstanding quhairof Patrik Skyin in Clithquhorie Wm Birss in Corsinday and certain uthers persons since the said tym cam to the said persewar and challengit the said hyd and allegit that the samen was the hyd of the said Patrick Skeyne his ox quhilk was stowin as thei alledgit In respect quhairof the said defender suld be decernit to warrand frie relive and skaithles keip the said persewar of the said hyd pryce thair of and of all coist skayth damage skandell and expenssis he sall hapin to incurre thairthrow and to repy to the said complener the said pryce of the hyd with sick expenssis as he sall hapin to bestow thairanent and to set sufficient cautione actit in our buiks for that effect quhilk he refussis to doe as is alledgit And thairfor the said defender to heir and sie the premissis verefeit and prowyn and being fund of veritie himselff decernit be decreit of Court ordour of law and justice to warrand frie releive and skaithles keip the said persewar of the said hyd and of all cost skayth damage skandell expenssis and inconuenient he sall hapin to incur be bying thair of and to repy to him the pryce thair of with sic expenssis as he sall bestow and wair thairanent and to set sufficient cautione actit in the said Shreff buiks for that effect be reassone the said defender sold the said hyd and resaivit the pryce forsaid for the samen [&c., &c.]

[The defender did not appear and decree was pronounced in terms of the foregoing conclusions with 40s. of expenses]

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1636.

July 1. **Removing.** Cristian Irwing, widow of Alexr. Lumsden, elder of Easter Clova, as liferentrix of the lands *v.* Janet Lumsden, widow of Alexr. Lumsden, younger, of Easter Clova, Thomas Moir in Drumnagower, John Petrie there, Isobel Findlay, widow of Arthur Stewin there, Isobel Malcolme, widow of James Morgan there and John Cuik in Paxtoun, all in the parish of Kildrymmie. Sasine dated 23 April, 1627. Notary Wm. Symson.

6. **Supplement. Debt.** Wm. Mitchel in Drumdolo *v.* James Miln in Boignie. A debt of £22 17/6. The act here sought to be enforced was one of a court of the Barony of Frendracht Convay "holdin in the yl of the Kirk of Foirc" on 23 Octr., 1635.

**Removing.** Patrick Wood in Littill Ardoe *v.* Wm. Cassie, occupier of Chappel-toun of Shives and "salmond fisching belonging thairto on the Water of Ythan, miln and miln lands thereof." Sasine dated 20 Decr., 1628. Notary John Lessell. Two defences were stated (1) a challenge of the execution of the warning to remove and (2) a lease by George Gordon, younger, of Gight, to the Defender during the non redemption of the lands.

8. **Supplement. Rent.** Mr. Matthew Lumsden, Bailzie, burgess of Abd. *v.* Thomas Smyth, sometime in Ruthriestoun. Decree had passed against the Defender for his rent of Ruthriestoun crop 1635, at a Court of the lands held within the Hall of Ruthriestoun on 18 March preceding.

**Forthcoming.** George Meinzie, burgess of Abd., "Maister of Sanct Thomas Hospitall of the said burghe for the tyme" *v.* James Jonstoun in Bleckisboig, Andrew Hendersone at the New Miln of Ludquharne, Wm. Will in Nather Ludquharne, Wm. Lawrensone in Auchtiedonald, George Bruce in Ludquharne, Wm. and Thomas Sleasor in Waschingpool and Sir Wm. Keyth of Ludquharne, Knt., for his interest. Sir Wm. Keyth had borrowed from David Aidie Maister of the Hospitall "for behove of the bedallis thereof," in 1625, £1000, for which he granted bond, the cautioners bound along with him being Alexr. Keyth of Balmuir, Nathaniel Keyth of Cocklaw, Alexr. Banerman of Elsick and Wm. Leask, elder, and Wm. Leask, younger, of that ilk. Arrestments had been used in the hands of Sir William's tenants, followed up by this Decree of Forthcoming.

**Forthcoming.** Alexr. Burnet, burgess of Abd., "Collector of the moneyis mortified be umquhill Secretar Reid of guid memorie to the Colledge of the said Burghe for himselff and as Assigney constitute be Mr John Moir, Collector of the Sessione of the forsaid Burghe" *v.* Wm. Daniel in Conjeack and other tenants of Sir Wm. Keyth of Ludquharne and the said Sir Wm., for his interest. The Pursuer claimed in virtue of a Bond for 2000 merks granted on 18 Novr., 1628, by Sir Wm. Keyth as principal and Alexr. Keyth of Balmuir and Alexr. Banerman of Elsick as cautioners.

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July 13.

**Meal.** George Leslie, Baxter, burges of Abd. *v.* Wm. Fergus in Beildsyd and Elspet Irving, his wife. Six firlots of meal at £10 per boll with 20/- of expenses.

**Removing.** Alexr. Buchan of Auchmacoy *v.* James Skinner in Dorbishill. Sasine dated 29 Sept., 1617. Notary Thomas Cromby.

30. **Rent.** Mr. James Sandilandis, Doctour of the Lawes and Commissar of Abd. *v.* Walter Jamesone in Tulloche and John Fraser in Sklaittie. The rents sued for were those which the Defenders had in use to pay to John Gordoune, sometime of Craibstoune.

20. **Demolishing Farm Buildings.** Alexr. Anderson in Standingstaines *v.* James Jameson in Durnocht. The Defender had been tenant under the Pursuer of the third part of Knowes of Durnocht. The narrative states that, having resolved to desert his holding, the Defender "hes demolischit & taken down the houssis & bigingis occupied be him" . . . "transportit & tain away the doires & windowes thair of and tymber underwreitit viz tua doires in the fyr hous ane window & four forkes all worth ten pundis ane chamber doir worth fourtie schilling and staibill & byr doir worth four pundis and hes deteriorat & maid worss the saids bigingis in the sowme of tuentie pundis." In addition to conclusions for restoration or payment, the Pursuer sued for £40 of a penalty imposed upon the defender by an Act of court of the lands.

**Oats.** Wm. Blakhall, burges of Abd. *v.* Wm. Smyth in Gilcomstoun. Oats sold at 13 merks 3/4 per boll. Expenses 40/-.

**Rent. Caution to Pay, Plenish, or Remove.** John, Earl of Mar, &c. *v.* Jeane Forbes, widow of James Forbes in Ledmakkay and Donald Sheill, her husband, George Law in Mortliche, Jeane Morgin, widow of Alexr. Torne there, Robert Dumbar at the Miln of Inverernan, James Shaw in Culforke and Wm. Forbes in Tornabowe.

27. **Rents.** Archibald Beanes, Litster, burges of Abd., heritable proprietor of the lands *v.* George Towar in Auchmengzie and other tenants there for crop 1635. Sasine dated 26 February, 1635. Notary Robert Merser. Each defender 30/- of expenses.

**Removing.** Mr. Alexr. Dowglas, Doctor of Medicin, heritable proprietor of the lands *v.* Alexr. Keythe of Balmuire occupier of New Seat of Drumbrek and others. Sasine dated 4 Decr., 1633. Notary Alexr. Stewart.

**Abstracted Multures.** George Bedie at the Mylne of Syde *v.* John Cruickshank in Knokinbaird, James Glennie there, Walter Leslie in Greenhill, George Michie in Boddome, Wm. Ross there and George Philpe in Dunnyduire. Expenses 6/8 each.

**Trespass by Cattle.** The said George Bedie *v.* John Walker in Blairnedynnie. Expenses 12/-.

**An Ox. A Mare. Ewes and Lambs, &c.** James Wilson in Dryminnoir *v.* (1) David Wobster in Tempill of Crystes Kirk (a) 25 merks for the price of an ox (b) 5 merks for two years interest thereon (c) 4 merks for a firLOT of malt and (d) 13 merks for a mare; (2) Patrick Smyth in Smythstoun £25 for the price of 10 ewes and 10 lambs; and (3) Clairs [Clarissa] Robertsons in the Muir in Dryminnoir her rent of "tua riggis" of Dryminnoir, crop 1633. Expenses 26/8 each.



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1636.

July 27.

**Wrongous Intromission.** Edwart Adamsonne at the New Miln of Foueran *v.* Patrick Straquhan of Kinnadie. This was a dispute about the crop on a part of Backhill of Dens called Andies Wallis, occupied by Wm. Fyvie. The Pursuer had done diligence against Fyvie on a registered Bond and had obtained from him a Disposition of the crop of 1634, which Adamson claimed to have taken possession of by reaping, shearing and stacking it. Subsequently the Defender removed it. In defence he founded on a disposition by Fyvie, which according to his pleading, was of prior date to the Pursuer's title. On a proof "per testes insertos," *i.e.* by the witnesses named in the testing clause, it was found that the Defender's disposition was "fals feinzied and forged in the daitt thair of To witt That the samen wes daittit long befor the subscriyveing thair of." Restoration was ordered with 10 merks of expenses.

**Liquidation.** Hew Irving of Peilsyde, as assignee of Alexr. Leith of Countesvals *v.* Wm. Baxter in Robertstone. The conclusion was for liquidation of the highest prices of "sewintein bolls sufficient ait meill ferme but dust or stanes and ane boll sufficient aittes of the crop 1634 yeires with tua outcome sheip under the wool" which Baxter had come under obligation to deliver or to pay the equivalent in money therefor. The witnesses were Wm. Lumsden, Alexr. Blak, younger, and James Blakhall all burgesses of Abd. The price of each sheep was fixed at 40/-.

**Supplement. Rent.** Sir Thomas Urquhart of Cromartie, knight, Robert Buchane of Portlethin, Andrew Meldrum late Bailzie and burges of Abd., and George Gordone, servitor to Alexr. Keithe of Balmure *v.* Edward Schirreff at the Mylne of Polglassie. The rents of Mylne of Polglassie and Nether Polglassie were claimed. The local court had been held in the barn of Archibald Mackie in Craigstoune on 15 July instant.

30 **Removing.** Mr. Wm. Reid, Minister at Gartlie, heritable proprietor of the lands of Glasgowe *v.* Thomas Dickie at the Blakburne, called the Bredfuird of Glasgow. Date of Sasine not given.

Aug. 19. **Removing.** Gilbert Herwie, elder, burges of Abd., heritable proprietor of Elrick and Moniceabock *v.* Wm. Innes in Elrick. Date of Sasine given as the            day of            1<sup>st</sup> vic threttie            yeirs. Notary Mr. Patrick Chalmer.

**Supplement. Rent.** Sir Thomas Urquhart and others [as above] *v.* Wm. Thomsone sometime in Powglassie, then at the "Kingsfuird of Auchterles." The Act of court founded on was one of the lands and barony of Ordmelie and Auchries dated 27 April, 1635.

Sept. 7. **Removing.** Katherine Falconer, Lady of Shives and liferentrix of the lands, and Mr. Patrick Gray, her son, for his interest, *v.* Alexr. Pirie in Auldtounleyis and Alexr. Reid there. There were produced liferent Sasine in favor of the lady dated 25 June, 1595—Notary James Broun—and Disposition by her to her son dated 23 Feby., 1636.

14. **Supplement. Rent.** Wm. Seton of Meldrum *v.* John Malice, sometime in Old Meldrum, then in Kinguidie. An Act of court of the Barony of Meldrum was founded on.

## Aberdeenshire Sheriff Court:

1636.  
Sept. 23.     **Rent.** Mr. Thomas Mitchell, Persone of Turreff, as proprietor of Maynes of Gask *v.* John Forbes of Gask. The Defender had with consent of James Hay of Muirie-fauld wadset the lands to the Pursuer for 5000 merks by contract dated 12 Octr., 1633. The borrower had bound himself to warrant that the lands would yield yearly "fyv chalderis victuall quhair of aucht bollis bear four bollis quhyt meill and four chalderis four bollis guid and sufficient aitt ferme meill als sufficient as any girmell meill within the parochin of Turreff, with nyn disson of capones, aucht pundis teind silver and to hold the saids lands sufficientlie tennentsted for quhom he sould be ansuerabill to pay the said yeirlie dewtie and rentall" during the not redemption. It was stated that either he or Patrick Forbes his "oy" was in occupation, and decree passed against him with £5 of expenses. Sasine dated 18 Decr., 1633. Notary Mr. James Skeyn.
- Rent.** Andrew Meldrum, Bailzie, burgess of Abd., as heritable proprietor of the lands *v.* Patrick Meldrum of Iden. The Defender, who had previously advocated this case to the Court of Session, by whom it had been remitted back to the Sheriff, was now ordained to pay the rents of Iden, crop 1635, as sued for, and for the fishings on the Deveron, &c., with £5 of expenses. Sasine dated 11 July, 1628. Notary John Meldrum.
28.     **Rents.** Andrew Meldrum as above *v.* Patrick Meldrum as above. This decree seems to have been meant to supersede or supplement the immediately preceeding decree. It is fuller and embraces the rents for 1633, '4 and '5, besides founding on the Pursuer's title, which was a Disposition and Assignation by Elizabeth Urquhart, widow of Thomas Meldrum of Iden and liferentrix of the lands, dated 8 Novr., 1633. The widow's liferent Sasine was dated 19 June, 1599. Notary Donald Urquhart. A proof by writ or oath of certain pleas of the Defender was allowed, but the Pursuer's oath was negative of these and decree was pronounced as prayed for. At the end of the decree there is found a receipt by the Pursuer for two Sasines, the Disposition of the liferent and Act of Remit from the Court of Session, dated 1 July, 1636.
- Octr. 12.     **Registration.** John, Marjorie and Cristian Gordon, lawful children of the late John Gordon of Inzean and Capitan Robert Irwing of Monboddoo their Tutor dative *v.* Mr. Patrick Gordon of Bracko. The Bond which was ordained to be registered was one for 1000 merks granted on 28 May, 1632, by the Defender as principal, and by Thomas Erskine of Pettodrie and Alexr. Erskine of Dorlathin as cautioners, in favour of the late James Gordon, brother german to the late John Gordon of Enzean. Failing lawful children of James Gordon, the money was to be repaid to the Pursuers. The witnesses named in the testing clause of the Bond were Alexr. Bannerman, apparent, of Elsieck, Wm. Erskine, brother to Thomas Erskine of Pettodrie and Alexr. Gordone, apparent, of Invermarkie.
19.     **Bond. Decree in favour of Heir.** John Lichtoun, burgess of Abd., son and heir of John Lichtoun, Skipper, burgess of Abd. *v.* Alexr. Watson, Merchand, burgess of Abd. By Bond dated 6 Sepr., 1633, and registered in the Books of Counsell on 21 March, 1636, the Defender bound himself to repay to the Pursuer's father 65 merks, with interest and expenses. The Defender appears to have maintained that the Bond was moveable, but the Pursuer's contention that it was heritable bearing interest and that it fell to the heir was given effect to.

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1636.

Octr. 19. **Removing.** John Leslie of Nathertoun *v.* John Leslie in Durno. The subjects in question were a plough of Meikill Durno. Sasine dated 21 May, 1631. Notary John McKieson.

**Supplement. Rent.** John Leslie of Auquhorsk *v.* John Leslie in Durno. Authority was interponed to an Act of court of the lands of Durno dated 21 April preceding, decerning for rent crop, 1635.

Novr. 2. **Registration.** Alexr. Shreff in Culhay *v.* James Wilsone in Drymminnoir and Mr. Wm. Glas, as eldest son and heir of George Glas in Westhillis. By Bond dated 15 Decr., 1632, Wilsone as principal and the deceased George Glas as cautioner had become bound to pay to the pursuer 260 merks. Two of the witnesses to the Bond which was signed at Ryne [Rhynie] were Mr. Henry Ross, Minister at Ryne, and Mr. Wm. Glas, Schoolmaister at Auchindore.

4. **Victual and other Merchandise.** John Roishill in Maynes of Drum *v.* Alexr. Law in Angoustoun and no fewer than 38 other debtors for separate debts. Expenses 6/8 each Defender.

9. **Rent.** Gilbert Colliesone, lait Bailzie, burgess of Abd. *v.* John Broun, sometime in Taertie, then in Wattrischemuir. Balance of rent of Taertie crops, 1630, '1, '2 and '3. Expenses 40/-.

11. **A Buit [Exchange].** George Scott, servitor to Mr. Alexr. Davidson, Advocat in Abd. *v.* Alexr. Watt in Logyburno. The claim made and given effect to was for "Ten merks restand be the said Alexr. to John Scott father to the persewar for ane buit betuixt ane hors and ane meir and promisit be the defendar to the persewar." Expenses 20/-.

16. **Not entering to Service. Damages.** Alexr. Knowis in Tillioch *v.* Wm. Smyth in Lin. [*Vide* Illustrative Examples *infra*.]

**Mares. A Buite.** Robert Findlay in Bades *v.* Robert Cattoche at the Myln of Ardoyne. Decree for £30 as the price of "tua meiris coft be the defender." Also £4 7/- promised by him to the Pursuer "in buite betuixt ane horse and ane steir." Expenses 30/-.

18. **A Hewit Plaid.** John Duncan in Tilliechordoch *v.* Alexr. Tais in Kincragie. The Defender was ordained *inter alia* to pay 14 merks for the price of "ane hewit plaid coft & resaivit" by him. Expenses 40/-.

23. **Removing.** Mr. Alexr. Scroggy, Doctor of Divinitie and Minister at Sanct Machar Kirk of Old Abd. *v.* George Touche at the Miln of Tollie and other tenants of Tollie in the Parish of Kinbethok. Sasine dated 24 Sept., 1635. Notary Wm. Watt.

25. **Double payment. Repetition. Absolvitor.** John Seton of Auquhorthis *v.* Robert Meldrum at the Miln of over Rothie. The Pursuer's case was that he had twice repaid to the Defender a loan of £100, but on a reference to his oath the Defender denied this and was assolizied. No mention of expenses.

## Aberdeenshire Sheriff Court :

1636.  
Novr. 30.      **Spuilzie.** Alexr. Ross in Tilliesnacht *v.* John Erskine alias Mackgregor in Brae of Mar. The Defender, who did not appear to give his oath as summoned, was decreed to restore seven "kye" which he had carried off from the Forest of Birse in 1633, or to pay £20 for each cow, and £8 for the calf which each of the seven cows would presumably have produced each year from the time when it was taken until it was restored. Expenses £3.
- Decr. 9.      **Supplement. Rent.** George Jonstoun of Fawals *v.* George Allan in Middill Disblair. By an Act of court of the lands the Defender had been found liable for the rents of Middill Disblair crops 1634 and 1635.
14.      **Rent.** Helen Liddell, widow of Walter Angus, Skipper burgess of Abd. *v.* Alexr. Tellie, Citiner in Old Abd. The Defender was tenant of "ane lang rig lyand on the east syd of the citie of Old Abd." The rent was nine firlots "guid & sufficient ferme malt rin mett," at £10 per boll. Expenses 30/-.
16.      **A Cow.** Alexr. Duthie in Culter *v.* Alexr. Barclay, Flescher in Abd. The Defender had bought a cow for 16 merks, but had not paid for it. Expenses 20/-.
20.      **Forthcoming.** George Logy, sometime in Swailend then in Kinmundy *v.* Alexr. Tilliedaff of Moistoun and Thomas Turing in Moistoun, for his interest. Tilliedaff as arrestee was ordained to make forthcoming to the Pursuer 25 merks of principal and 10 merks of liquidate expenses arrested in his hands by Logy, to whom Turing was debtor in terms of his obligation dated 27 July preceding.
- Sum in Bond.** Mr. James Buchan, fiar of Auchmacoy *v.* Jean and Marjorie Buchan only children and co-heirs of the late Wm. Buchan of Dyce and George Moriesone, burgess of Abd. and Gilbert Skeyn of Dyce their respective husbands, for their interest. By Bond dated 11 July, 1617, and registered in the Books of Counsel and Session 22 June, 1622, the late Wm. Buchan, of Dyce, as principal, with Alexr. Buchan of Auchmacoy and Mr. Henry Buchan, Burgess of Abd. as cautioners, became bound to pay 2000 merks to the late George Ogstoun in Auchmacludie for himself, and as father and administrator to William, Alexr., George, and Elspet Ogstoun, his children. This Bond was assigned by George Ogstoun to the Pursuer on 13 July 1622. An extract of the Bond and the Assignment together with the services of Jean and Mariore Buchan [*vide p. 80 supra*] were produced. There was no defence.
- Forthcoming.** George Morieson, burgess of Abd. *v.* Janet Hendersone in Wood-end of Clunie and other tenants in Clunie and Pitmachie, and Wm. Coutes of Auchtercowll and Alexr. Abercromby, elder, of Birkinboig, for their interest. The obligation upon which the arrestments of the tenants rents had been founded was one by George Gordon, younger, of Gight, as principal and Alexr. Abercromby and Wm. Coutes as cautioners to the Pursuer for 4000 merks dated 4 June, 1631.
- Forthcoming.** Mr. Robert Ferquhar, burgess of Abd. *v.* Thomas Andersone, burgess of Abd. and John Andersone at the Walkmiln of Culsalmund, for his interest. The Pursuer held a Court of Session decree against John Andersone dated 15 Decr., 1631, for rents of the Walkmiln crops 1630 and 1631, by virtue of which he had used arrestments in the hands of Thomas Andersone.



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1636.

**Decr. 23. Trespass by Cattle.** George Connan in Newtoun of Auchindoir *v.* (1) Janet Lumsden in Stainbriggis of Easter Clova; (2) Geillis Anderson there; (3) Arthur Mark there; and (4) John Cuik there. Decree passed against all these Defenders for different quantities of "aittis and calf corne eatin be thair guids" crop 1635.

1637.

**Jany. 11. Wrongous Intromission.** John Coutes in Meikill Gellan *v.* George Cromar in Formostoun, Robert Cromar his son, Thomas Coutes there, Robert Davidson in Tilliequhowdie, and Patrick Cromar in Formostoun. The case against the Defenders was, that during the lifetime of the late Isobel Smyth the Pursuer's wife, they got from her various sums of money and effects "by" the knowledge, and without the consent of the Pursuer. Some of the Defenders appeared and were dealt with according to what they admitted on oath.

**Breach of Arrestment.** The Procurator Fiscal (Mr. Alexander Davidstone) and John Gordoun of Haddo, for his interest *v.* George Pratt who was a tenant of Gordoun and occupier of Wester Barrack. (*Vide Illustrative Examples infra.*)

**13. Removing.** Mr. Wm. Lumsden, as heritable proprietor of the subjects *v.* George Middiltoun Advocat in Old Abd. and Jean Hay widow of Mr. Wm. Barclay, younger, "suntym indwellar in the said Citie." Sasine dated 20 June, 1633. Notary Mr. John Chalmer. The subjects were described as follows:—"All and hail the tenement of land callit Turreffs Manss with the closs yard taill or croft belonging thairto lyand at the west syd of the Chanrie of Old Abd. Betuixt the landes of Sir Alexr. Gordoun of Cluny knyt baronet at the South the houssis yards & croft pertaining to the airis of umquhill Mr. Johne Leyth sumtym Commissar of Abd. at the North the Kingis commoun gaitt at the East and the commoun Loch of the said Citie of Old Abd. at the West."

**20. Forthcoming.** Mr. Thomas Mitchel, Parson of Turreff *v.* Patrick Forbes in Gask and others and John Forbes of Gask, for his interest. This action followed upon an arrestment proceeding upon a Decree of the Sheriff Court on 23 Sepr. preceding [*vide supra* p. 430].

**Cow and Calf. Hides.** Wm. Forbes, younger, of Corsindae *v.* (1) Robert Lae in Cragiedarg and others for 22 merks  $3/4$ , being the price of a cow and calf, and (2) Archibald Buith in Milnbowie "sex merks for ilk hyd of four hydes resaivit be him frae the said persewar to have bein lymit & barked quhilks he redelyverit not as yit." Expenses 40/- each Defender.

**Supplement. Arrears of Rent.** Sir John Leslie of Wardes, knight baronet *v.* John Anderson in Landendis of Durno, as cautioner for Alexr. Anderson, sometime in Knowes. The decree sought to be enforced was one of a court of the lands of "Meikill Durno holdin in James Jamesones fyr hous thair" upon 5 Febr., 1622.

**25. Supplement. Rent.** Wm. Irving in Hirne *v.* John Philp in Balblair, Wm. Philp in Waster Tulloch and Wm. Kemp in Tulloch. The Act of court founded on was one of the lands of Tulloch and Corssfeild dated 28 October, 1636. The reason for resorting to the Sheriff Court was thus set forth:—"Be reassone the said persewar is denudit of the heretabill richt of the grund & the officer thair of refuissis to put the said Act to executione." The rents of crops 1633 and 1634 were the subject of the decree.

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Jany. 25. **Loan. Absolvitor.** Allan Og in Ley of Ruthven *v.* Thomas Tais, elder, in Knowheid of Culter, Thomas, John and Bessie Tais, his children, and Agnes Trowp, wife of the said John Tais. As a result of a reference to their oaths the Defenders were assolizied.

Feby. 1. **Rent.** Wm. Seton of Meldrum *v.* James Seton, sometime in Catie. The lands had been let to the Defender on a three years' lease from Whitsunday, 1633, at £80 per annum and certain "dewties." This decree was for the rents falling due at Whitsunday and Martinmas, 1636. A defence was stated that the Pursuer had promised to allow, as a deduction from the rent, such sum as the Defender should expend on repairs to the buildings, and that he "wairit above fourtie pund in biging of the hall and kill." A proof *pro ut de jure* was allowed and the defence referred to the Pursuer's oath, who denied any promise of the kind libelled. Expenses £3.

3. **Dyer's Accounts.** Patrick Jak, younger, Litster, burgess of Abd. *v.* (1) Leslie and George Gordoune of Newtounne, her husband, £25, (2) Forbes and John Leithe of Harthill, her husband, £15, (3) George Leithe of Overhall and Margaret Leith, his mother, £15 10/10, (4) Normond Leslie of Litill Carden, £12 12/8, and (5) Mr. Alexr. Straquhan, Minister at the Chappell of Garioche, £5 17/-. Expenses 12/- each.

8. **Sum in Bond.** Mr. John Moir, burgess of Abd., as Collector of the Kirk Session of Abd., and as assignee of Mr. Alexr. Ross, D.D. and Minister of Fuittie Kirk of Abd. *v.* Alexr. Fraser of Technuirie, as heir of Alexr. Fraser of Technuirie, his father, and his tutors and curators, if any. The deceased had borrowed from the late Isobel Coutes, widow of James Kennedy, burgess of Abd., the sum of 500 merks. Of this sum the lady had by her Will dated 27 April, 1633, bequeathed 200 merks "for serving the Cuir of Fuittie and 300 merks to the Collector of the Kirk Session to the use of the poor." Dr. Ross had assigned the sum left to Fuittie to the Pursuer on 5 May, 1636. Moir produced as his warrant or mandate to sue "ane Act of Collectorie grantit be the Kirk Sessione of the said burgh" to him dated 29 Novr., 1625. There was no appearance for the Defender and no defence.

15. **Supplement. Rent.** Mr. Alexr. Jaffray of Kingiswallis, Provost of Abd. *v.* Thomas Mill, sametyme at the Milne of Porterstounne, then in . . . By an Act of court of the lands and Barony of Caskieben, held in the Hall of Caskieben on 25 Octr., 1635, the Defender had been found liable on his own confession in payment of his rent for Milne of Porterstounne crop 1635.

**Accounts for Victual.** Allan Ogg in Ley of Ruthven and Wm. Narne there *v.* Wm. Deskorie in Leyheid, James Coutes in Tonley and Robert Davidson in Blelik.

**Abstracted Multures.** Alexr. Forbes of New *v.* Arthur Watt, Katherine Peart and a number of tenants in Nather Towie, who were found liable in various sums for grain abstracted from Milne of Towie in the years 1632 to 1636 inclusive. Expenses 16/- each Defender.

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Feby. 17.

**A Horse, &c.** Archibald Farquhar in Cluny for himself, and as Tutor to Annas Farquhar, daughter of the late Wm. Farquhar in Dullab *v.* Alexr. Reid in Drumnahoy. (1) 11 merks due to Archibald Farquhar, personally, being the balance of the price of cattle, (2) 55 merks 6/8 due to him as Tutor to Annas Farquhar, being the price of a horse sold by the deceased Wm. Farquhar to the Defender. Expenses 40/-.

22. **Supplement. Relief.** Wm. Gaw in Invernettie *v.* Wm. Moir in Nethirtoun of Kilvalliche and Wm. Hay in Croft of Kilvalliche. In a court of the Barony of Kildrymmie held by Alexr. Strauchane of Glenkindie, as Bailzie, on 28 February, 1634, the Defenders had been ordained to relieve the Pursuer of the payment of 560 merks due to Robert Forbes in Inverernan, or to pay the said sum to Gaw to enable him to operate his own relief.

**Deterioration of Building. Not Herding Cattle, &c.** Robert Jhonstoun at the Kirk of Udny *v.* Robert Forbes in Cragie. The Defender had a five years' lease from Whitsunday, 1628, of Ovir Tilligonie, situated in the parish of Tarves by annexation. This lease contained certain stipulations about the upkeep of houses and keeping "guids," *i.e.* Cattle, within bounds. This decree was for recovery of damage for the breach of these stipulations. Expenses £4.

**Rent.** George Gordon of Nethermuir *v.* David Pratt at the New Milne of Balquhenzeachie. The Defender was or had been tenant of the lands of Knaven, for the rent and duties of which in the years 1635 and 1636 there was decree. Expenses 5 merks.

**Trespass by Cattle. Damages.** Wm. Stewart in Lonheid of Bonytoun *v.* Alexr. Stewart in Jaxtoun. This seems to have been a case of outgoing and incoming tenant.

24. **Rent.** Mr. Wm. Lumsden, Advocat in Abd. *v.* George Midiltoun in Old Abd. The Defender was sued for £40, being rent for each of the years 1634, '5 and '6 of "the tenement of land yaird and croft presentlie occupied be the said George Midiltoun lyand within the Chanrie of Old Abirdein & Wast syd thairof callit the parsones of Turreffis manss." The whole case was referred to the oath of the Defender, but he did not face the ordeal. Expenses 40/- [Vide *supra* p. 433.]

Mar. 1. **Trespass by Calves. Abstracted Multures.** John Tailzeor in Craigtoun, sometime at the Milne of Clatt *v.* (1) Henry Andersone in Clatt for a "half boll aittis for ilk calff of fyve cair quhilk geid throw the persewars cornes" crop 1636, (2) George Stevin in Hillheid and others for corn abstracted from Milne of Clatt, of which the Pursuer was "takisman" in 1635 and to which the Defenders were "bundsuckin." Expenses 12/- each.

**Rent.** Sir Alexr. Irving of Drum, knight, as heritable proprietor of Tilliegreg *v.* Wm. Aiken in Kinguidie. The rents for the occupation of Tilliegrig in 1634, '5 and '6. Expenses £3.

## Aberdeenshire Sheriff Court :

1637.

Mar. 1. **Forthcoming.** Patrick Strauchane of Kynnaldie *v.* James Gordoun in Asleid, David Synclair there and Isobel Leask, widow of Wm. Banerman, sometime of Asleid, for her interest. Isobel Leask had, conform to Bond dated 8 April and recorded in the Commissary Court Books 14 May 1635, borrowed from the Pursuer £130, for which James Gordoun in Hilende of Asleid was cautioner. The other Defenders were ordained to pay the sums arrested in extinction *pro tanto* of this debt.

8. **Trespass by Horses and Calves.** Patrick Gordoun in Muriheadles *v.* Walter Leslie in Greinhall. The damage occurred in 1633 and was caused by "horss follis and cair."

**Fees of Sheriff Clerk Substitute.** John Huntar, Notary Public, sometime Sheriff Clerk Substitute of Abd. *v.* John Keythe of Glackriauche, sometime Sheriff depute. This claim arose in 1630. [*Vide supra* pp. 406 and 410.]

**Abstracted Multures.** John Glenly in Petteismilne *v.* Alexr. Reid in Selbie, who had not taken his corn to the Milne of Petteismilne in 1635 and 1636.

10. **Renunciation of Tenancy.** Wm. Gormack in Kirklands of Daviott *v.* James Urquhart, youngest lawful son of the late John Urquhart of Craigfintrey, heritable proprietor of the lands of Auld Craig and Daviott, and John Gordoun of Hilltoun and John Setone of Auquhorthies his Tutors Testamentary. The tenant by way of action against the proprietor (possibly because the latter was in pupillarity or minority) gave up his farm of Kirklands as from Whitsunday following.

15. **Rent.** George Rickart, burges of Abd. *v.* Thomas Cheyne of Ranystoune. The Defender was ordained to pay £40 being the rent for the year to Whitsunday 1635 of "ane tenement of land lyand at the Shoir of Abirdein" belonging to Rickart, with 40/- of expenses.

**A Gun, &c.** David Schand, burges of Abd. *v.* Alexr. Davidsons in Brae of Ballogie. The Defender had bought "ane gune and sheabill" for £6, payable at Martinmas 1633, but had not paid for them. He was now ordained to do so with 30/- of expenses.

17. **Loan. Merchandise.** Patrick Meinzie, burges of Abd. *v.* John Fraser of Aucheries. £25 10/- "borrowit silver and merchandise coft and receavit." Expenses 40/-.

22. **Wool.** Wm. Schand, burges of Abd. *v.* Marjorie Andersone widow of Wm. Andersone, burges of Abd. £30 for "woll coft and receavit." Expenses 40/-.

24. **Rent.** Alexr. Andersone in Standingstanes *v.* James Jamesone in Knowis of Durno. The rent of Knowis for crop 1636 was decerned for. The prices of victual were proved by witnesses. [*Vide supra* p. 428.]



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Mar. 31. **Rent.** Gilbert Hervie, elder, burgess of Abd., heritable proprietor of the lands *v.* Wm. Innes sometime in Elrick then of Drumquhindill. Sir Robert Innes of Balvenye, knight baronet, and Walter Innes and the said Wm. Innes his sons were parties to a contract of Wadset over the lands of Elrick and Monycabok for 20,000 merks. Gilbert Hervie was the creditor, but had allowed Wm. Innes to remain in possession and draw the rents, so long as the provisions of the Contract were observed. There having been a failure to observe these, Hervie obtained a Decree of Maills and Duties in the Court of Session, and followed it up by this action for the rents of crop 1635. Expenses 10 merks. [*Vide supra* p. 429.]

**Wrongous Intromission.** Alexr. Irving of Kincowsie, with consent of James Knowes at the Milne of Auquhorthies and other tenants of Auquhorthies *v.* Gilbert Meinzie sometime of Auquhorthies burgess of Abd. These lands situated in Banchorie Devnik in Kincardineshire had been sold by Meinzie to Irving, including the rents for crop 1633 and subsequent years. The Pursuers' case was that the Defender had uplifted the rents for 1633 and 1634. The decision turned upon the oath of the Defender, who admitted having received part of the rents sued for. Expenses £3.

**Board.** Agnes Allardes, wife of Wm. Charles, Vreight, burgess of Abd. and her husband *v.* David Tailzour in Barleyes of Leisk. £5 12/- for "meat and drink." Expenses 13/4.

**Merchant's Accounts.** Patrick Wat, Merchand, burgess of Abd. *v.* (1) Andrew Watt at the Milne of Bomakessie 7 merks for Lint, (2) Patrick Clerk in Claymyres £8 18/4 for merchandise and 40/- for an "auld compt," (3) Wm. Crafuird in Greischawhill 7 merks for "Yrne," (4) Wm. Simsone sometime in Culsh of Fedret then in Auchinleck 5 merks 6/8 for Lint, (5) Alexr. Reid in Chrystis Grein and Margaret Laurenstoun, his wife, 16 merks for Lint, (6) Wm. Mitchell in Auchinleck £25 8/8 for "ane Caldron coft and resaut quhilk he promisit to have peyit at Sanct Tollis day" 1636. Expenses 6/8 each.

**Oxen.** Alexr. Lyone in Ardo *v.* John Vatsone in Crabidonald. *Inter alia* £10 10/- for an ox and 13 merks for a young ox. Expenses 40/-.

**Loan. Ticket.** Mr. John Chalmer, Shref Clerk deput of Abd. *v.* George Gordoune in Newtoun. Ten rex dollores with eight merks of liquidate expenses, conform to subscribed ticket.

**Leather. Cheese.** David Simsone, Saidler, burgess of Abd. *v.* Patrick Castall in Achmagat. 8 merks for "barket ledder" and 36/- for "ane steine of cheise." Expenses 20/-.

**Spuilzie or Wrongous Intromission.** Wm. Stewart in Lonheid of Bonytoun *v.* Alexr. Stewart in Jakstoun. The Defender was ordained to restore or pay for 80 "threaves aittis extending to twentie bollis aittis with the fodder" belonging to the Pursuer, taken from the lands of Jakstoun, or to pay £4 per boll therefor. Expenses £4. [*Vide supra* p. 435.]

## Aberdeenshire Sheriff Court :

1637.

Mar. 31.

**Exhibition and Delivery of Titles.** Alexr. Fraser lawful son of the late Mr. George Fraser, Minister at Boharm, heir or apparent heir of Mr. Wm. Fraser of Bischopes Clintertie, and Patrick Gordon in Colliethie and John Porterfeild in Auchluncarthis, his curators *v.* Robert Fraser in Bischopes Clintertie. The Writs of Littill Clintertie callit Bischopes Clintertie were called for, viz. :—A Charter granted by the late Patrick, Bishop of Abd. to the late Mr. Wm. Fraser dated 15 Novr., 1620 and Instrument of Sasine following thereon, dated 10 Jany., 1621. Notary Wm. Forbes. Also Charters granted by Bishops Peter Blakburne, Wm. Stewart, and Wm. Gordon and by the King to Fraser's authors, together with the Instruments of Sasine following thereon. The Defender admitted having the title deeds, but stated that he had been summoned to produce the Writs in a Court of Session action at the instance of Adam, Bishop of Abd., and had sent them to his Edinburgh Agent. Decree however was pronounced as concluded for. An Extract of the Pursuer's service as heir to his grandfather dated 1 March current was produced as well as an Act of Curatorie.

**Forthcoming.** Robert Farquhar, burgess of Abd. *v.* Thomas Andersone, burgess of Abd. and John Andersone at the Walk Milne of Wranghame, for his interest. The rents of the Walk Milne for 1632 and Whitsunday 1633 were due by John Andersone [*vide supra* p. 432] £50 of which were recovered by this Decree of Forthcoming.

April 21.

**Dyer's Accounts.** Patrick Jak, younger, Litster, burgess of Abd. *v.* (*inter alios*) Wm. Gordon of Brodland, Janet Gordon, Lady Auchtercowl, and Wm. Coutes her husband, their indebtedness being £50 10/4 and £29 8/- respectively.

26.

**Liquidation.** Elizabeth Seton, Lady Abirzeldie *v.* James Crystie and others in Bantooth. In order to secure payment of her annualrent of three chalders and ten bolls of victual, payable from Bantooth, Lady Abirzeldie had obtained a decree against the tenants. The purpose of this Sheriff Court action was to have the highest prices of the said victual of crop 1633 liquidated. This was done on the testimony of three local witnesses.

28.

**Wrongous Intromission.** John Clerk in Kamney *v.* Elizabeth Straquhane, Lady Blakhall, George Grub in Inverurie and Geills Ross, his wife. The Defenders, one or other of them, were ordained to restore "ane Cannowes"<sup>1</sup> wrongously taken from the Pursuer in 1630, or to pay 10 merks for it. Expenses 30/-.

**Loan. Ticket. Prussian Guilders.** Isobell Wallace in Fetterneir, mother of Robert Brebner, Citiner in Lonndoune, and John Still, her husband *v.* Alexr. Gardyne, sometime in Banchorie. The Pursuer founded on a ticket dated at Elburge 24 Sepr., 1628, for "fiftie Gilderes Spruis" together with a letter from her son authorizing her to sue. The value of a Guilder was fixed at 19/4 Scots. [*Vide Illustrative Examples infra.*]

May 5.

**Rent.** James Gregorie, burgess of Abd., as Collector of the Kirk Sessioun of Abd. *v.* Alexr. Fraser in Auchrynie. The Pursuer was in right of the rent payable by Defender for crop 1636, in virtue of an Assignment by Andrew Barclay of Auchmacher to the late Robert Fergusson, the Pursuer's predecessor in the Collectorship, dated 25 April, 1635.

<sup>1</sup> The Editor has not succeeded in identifying this word with certainty. "Cannas" or "Cannes" [*vide Jamieson*] might answer.

## Decree Books : Vol. VI., Contents

1637.

May 10.

**Rent.** Thomas Thomsone, burgess of Abd. *v.* John Meldrum in Boigholl. The Defender was decerned to pay to the Pursuer 14 bolls of oatmeal per annum, for the rent of the half Milne of Boigholl for crops 1635 and 1636. The Pursuer was heritable proprietor of the half lands and half Milne of Boigholl.

12. **Rent.** Mr. Alexr. Leask, lawful son of the late Wm. Leask of that ilk *v.* Wm. Leask of that ilk, Andrew Cellar in Auchmad, Edward Adamsone in Boigbrae and others. The Pursuer claimed to be heritor of Auchmad in virtue of a Disposition by his father who had been liferenter, but had died in August, 1636. The rents decerned for were those for the half year ending Martinmas, 1636. Sasine dated 21 April, 1603. Notary the late Mr. Wm. Chalmer.

**Loan.** Mr. James Straquhane of Fettercarne *v.* Wm. Fraser in Fodderbirss. £42 contained in an obligation dated 14 March, 1636.

**Rents.** Mr. Alexr. Jaffray of Kingisvalles, Provost of Abd. *v.* Sir George Johnstoun of that ilk, knight baronet, George Johnstoun, his eldest lawful son, and James Ogilvy in Scheilboig. This action was founded upon a Disposition, containing Assignment of rents, granted by Sir George Johnstoun in favour of the Pursuer "for securitie of ane bargain of sevin thowsand bollis of victuall disponit be him to the said persewar and oblesit to be payit in sevin croptes be equall portiounes beginnand the first cropt im vic threttie thrie yeires and failzeing of ilk boll aucht pundis with the annuelrent thair of." The bargain was said to be contained in a Disposition by way of contract of date Decr., 1633, corroborated by another Disposition dated 31 Octr., 1635. Sir George was sued as actual occupant of Ardieharrell and Easthill of Crimond, his son as occupant of the third part lands of Muirtone, and the other Defender as tenant of Scheilboig.

**Rent.** Gilbert Irwing in Biffie, as heritably infest in Nathertoun of Altrie *v.* John Keyth in Altrie, John Forbes there and Hew Murray there. Sasine dated 24 March, 1635. Notary Thomas Gordon. Expenses 40/- each.

17. **Rent.** James Cruikshank, Armorer, burgess of Abd. *v.* James Daniell in the Maynis of Percok and other tenants there, and Alexr. Fraser of Technuirie and John Fraser of Newburgh, his Tutor, for their interest. Mr. Vidast Lowsone, lait Bailzie, burgess of Abd., had been heritably infest in the lands and Barony of Percok, for payment of an annualrent of 70 merks. The pursuer had come in right of Lowsone by Decree of Apprising against him, and had "purchessit" of Alexr. Fraser and his Tutor "infestment and sasing of the saidis landes and annuelrent." By this decree he sought to secure payment of what was due to him. In one part of the Decree, the names of Alexr. Straquhan, elder, and Alexr. Straquhan, younger, of Glenkindy, are coupled with that of John Fraser of Newburgh, as Tutors and Curators of Alexr. Fraser of Technuirie.

## Aberdeenshire Sheriff Court :

1637.

May 19.

**Rents.** Mr. Robert Farquhar, burgess of Abd. *v.* Robert Forbes in Brigend and other tenants of Meikill Durno. So far as can be gathered from this decree, the lands of Ryhill had been disposed to the Pursuer by contract to which Sir Alexr. Gordoune of Cluny, with consent of Sir John Leslie of Vardes, Elizabeth Gordoune his wife, Wm. Leslie of Ryhill, Wm. Leslie his son, and Helen Gordoune, wife of Wm. Leslie, the elder, were parties of the one part, and Mr. Farquhar the party of the other part. For the farther security of Mr. Farquhar, Sir Alexr. Gordoune of Cluny granted an obligation, dated at Old Abd., 4 Decr., 1635, by which he impignorated the rents of Meikill Durno to Farquhar, in case Wm. Leslie did not remove from Ryhill and allow Farquhar to get possession and draw the rents of these lands. This was how things eventually shaped themselves and this decree against the tenants of Meikill Durno was the result.

24. **Rent.** Simon Fraser in Bandair, taxman of the lands under his mother Margaret Gordoune, liferentrix of Midbeltie *v.* Andrew Fraser in Milbeltie. The rents of the half Mains of Durris-Beltie were the subject of this decree and the Lease to the Pursuer was dated 3 July, 1629. Expenses £4.

June 6. **Removing.** Thomas Cromby of Kemnay *v.* George Lundie in Glenheid and other tenants. Sasine dated 28 July, 1624. Notary the late Thomas Forbes.

7. **Removing.** John Udney of that Ilk *v.* John Milne at the Kirk of Udney occupier of a croft of the Kirktown. The tenant had on 6 December, 1636, signed a Renunciation of the subjects, but had failed to remove.

**Exhibition.** John Gardyn, lawful son of James Gardyn of Blackfuird *v.* Mr. Alexr. Davidsone, Advocat in Abd. and John Ingrahame in the Newseat of Tillie-morgan. The Pursuer sought exhibition of (1) Contract, Charter and Sasine of the sunny third plough of Reidhill granted to the late Thomas Ingrahame, father of the principal defender, by the late Mr. James Cruikshank then called of Fischerfuird, and (2) Lease for three years between the pursuer and Thomas Ingrahame. In proof of title to the lands the Pursuer produced his Sasine dated 19 Sept., 1632. Notary John Leslie. The Defender Davidsone produced the writs, but a procurator for Ingrahame was allowed to lodge Defences against the crave for delivery. Decree of Delivery was however pronounced on 16 June.

14. **Removing.** Gilbert Keyth of Auchmacher *v.* Wm. Tarves in Lochbankes and George and Andrew Mitchell occupiers of the "Ruides and Landes" of Rattray. The Pursuer claimed to be proprietor of "Lochbankes and Rattray with the Castell of Rattray," &c., in the parish of Cremond and produced Sasine dated 6 June, 1632. Notary Thomas Gordoune.

**Removing.** Elizabeth Keith, widow of Wm. Leask of that Ilk, and liferentrix of the subjects *v.* George Hay in Auquharnie, occupier of Belliscamphie in the parish of Slaines. Sasine dated 9 May, 1590. Notary Mr. John Robertstone.

**Removing.** Andrew Phynnie, Baillie of Piterheid *v.* Wm. Tarves in Lochbankes. The Defender was ordained to remove from the lands of "Lochbankes and Brodland, houssis, biggingis yeards toftes croftes liberties marresis [?] Ankis fischeingis," &c. thereof in the parish of Cremond. Sasine dated 1 Decr., 1636. Notary Patrick Milne.



## Decree Books : Vol. VI., Contents

1637.

June 14. **Parochial Dues and Penalties.** Wm. Keith, "Box maister and Collector of the commone guid of the Kirk of Skein" *v.* Arthur Forbes in Bodimfauld and others. [*Vide* Illustrative Examples *infra*.]

16. **Removing.** Alexr. Leask, second lawful son of the late Wm. Leask of that ilk *v.* Andrew Cellar in Auchmaid, Edward Adamsonsone in Boigbrae and George Vatsone there. Sasine dated 21 April, 1603. Notary the late Mr. Wm. Chalmer.

21. **Removing.** Sir Alexr. Irving of Drum, knight *v.* John Erskine alias McGregor, Marjorie McHardie, his mother, and Ewane McGregor alias Erskine, his brother, all occupiers of Richarchrie in Glengarne. Date of Sasine left blank.

16. **Relief and Payment.** Mr. Wm. Cowper, "Doctor of the Gramer School of Abirdein" *v.* Nathaniel Leask, brother german of Wm. Leask of that ilk. The Pursuer sued for £800, part of which the Defender had borrowed and for part of which the Pursuer had become security to the Defender's creditors. On a reference to his oath Leask admitted 1150 merks for which decree passed.

23. **Removing.** Alexr. Fraser in Newmilne of Ardglassie and Andrew Patersone in Fraserburgh *v.* John Gaw, occupier of the "Shaddow pleuche lands of Corthies." Sasine dated 20 Octr., 1633. Notary Mr. George Norrie.

**Removing.** John Gordoune, elder, of Hiltoune and John Gordoune, younger, thereof, as liferenters and heritable proprietors *v.* John Smith in Todhillis in the parish of Ellon. Sasine dated 29 April, 1628. Notary James Vynchesser.

**Wrongsous Intromission. Peats.** Abraham Nicol in Clubbysgovel *v.* George Mackie in Dilspro. The Defender was ordained to pay "four schillingis Scottis money for ilk load of ane hundreth loads of peittis wrongouslie mellit & away taken be the said defendar of the said persewar his peittis in his Moiss of Areburne betuixt Fastingis ewin last bygain & the terme of Witsonday last." Expenses 30/-.

**Supplement. Salmon Barrels.** David Jaffray, burgess of Abd. *v.* Robert Murray at the Kirk of Udney. The Sheriff depute interponed his authority to a decree of the Aberdeen Baillie Court for £20, being the price of "fyv salmond barrellis," the reason given for the application to the Sheriff being that "the said defendar duellis without the jurisdictione of the saids Bailzies Court."

28. **Exhibition. Absolvitor.** Elizabeth Keyth, widow of Wm. Leask of that ilk *v.* John Hay, Bailzie, burgess of Abd. What was sought for was a lease granted by Wm. Leask of that ilk to George Hay of Auquharnie, to whom Thomas Hay, the Defender's son, was sub-tenant. The Defender denied on oath that he had it or had ever seen it.

July 5. **Removing.** Andrew Burnet, elder, "Thesaurer of the mortefiet moneyes mortefiet to the New Colledge of the Burgh of Aberdein" *v.* Sir Wm. Keith of Ludquharne, knight, and tenants of Ludquharne. Sasine dated 9 Decr., 1635. Notary John Ingrahame.

**Removing.** Patrick Duyve, "Maister of the Gild brethrenes hospitall of the Burgh of Aberdein" *v.* Sir Wm. Keith of Ludquharne, knight, and tenants of Ludquharne. Sasine dated 9 Decr., 1635. Notary John Ingrahame.

## Aberdeenshire Sheriff Court :

1637.  
July 5.

**Registration.** "Capitane Robert Irving of Monboddoo factor actor and pror. speciallie constitut be Robert Gordoune eldest lawfull sone to umquhill Corporall John Gordoune brother germane to umquhill James Gordoune and air seruit & retourit to the said umquhill James Gordoune" *v.* Mr. Patrick Gordoune of Bracko as principal and Andrew Burnet, elder, burgess of Abd., as cautioner. The Bond which was ordained to be registered for execution at the Pursuer's instance was one for 500 merks, dated 7 Sept., 1633, granted by the Defenders to the Pursuer Irving and George Gordoune in Cowie for behoof of James Gordoune, brother to the said George Gordoune and son to the late John Gordoune in Enzean. Among the witnesses was Mr. Alexr. Jaffray of Kingisvalls.

**Exhibition and Delivery.** Alexr. Keith, Portioner of Duffes *v.* Thomas Mortimer, Bailzie burgess of Abd., Mr. Alexr. Davidsons, his Grace Pror. Phiscall there, and Andrew Fraser of Mid Beltie, for his interest. By Contract of Sale dated 29 Novr., 1636, Fraser had sold Mid Beltie, Tillinechell, Bandair, and Cowcardie all held of the Crown and also Stranduffe, Vindiehilles, and Craigtoune held of the Parson of Kincardyne, to the Pursuer. Following up this Contract, Fraser along with Mortimer and Mr. Patrick Dun, Doctor of Medicine in Abd., both of whom had rights of comprising over the lands, granted a Disposition in favor of the Pursuer dated 16 June immediately preceding. This Disposition was in the hands of the Defender Mr. Davidsons "former thairof." In Mortimer's possession there were said to be (1) Charter of Confirmation under the Great Seal of "Hendrie and Marie King and Queine of Scotcs" dated 24 Febr., 1565 confirming a Charter granted by Robert Lewingstoune heritor of Vastquarter with consent of Alexander Lewingstoune his father of the lands of Cowcardie "& peace of land called the Vaird of Cowcardie and wood of Orchindlay" in favor of Thomas Fraser of Doores and Agnes Vischart his wife, which Charter contained a Confirmation by Robert Vatherspoone, Prebender of Kincardyn O Neil as superior of Cowcardie, (2) Charter by the Duke of Chattelarent dated 4 Febr., 1560, confirming Charter granted by the said Robert Lewingstoune as Tutor to the said Robert Lewingstoune his son, of the lands of Vastquarter in favor of the said Thomas Fraser and spouse in warrandice of the lands of Cowcardie, (3) Sasine of Cowcardie dated 24 August, 1560, (4) Sasine of Vastquarter in the barony of Corss and Sheriffdome of Stirling dated 16 August, 1560, (5) Sasine of Cowcardie to Alexr. Lewingstoune in liferent and Robert Lewingstoune in fee following upon a Charter granted in their favor by Mr. Robert Hambiltoune, persone of Kincardyn O Neil and Robert Vatherspoone his successor with consent of William Bishop of Abd. "and the Chartour under the subscription of Thomas Fraser Nottar" dated 18 Sept., 1559. There was no appearance for Fraser, but the other Defenders appeared, produced the various writs called for and consented to their being delivered to the Pursuer, which was there and then done, as appears from Keith's signature at the close of the entry.

7. **Rent, &c.** John Forbes of Balnagask and Mr. James Forbes of Haughtoun *v.* John Gareoch in Badivin. Expenses 50/-.

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1637.

July 12. **Sundry Debts.** Andrew Smith in Inveralquhye *v.* (1) Wm. Gordoune of Brodland £80 for victual bought in 1622 and £3 6/- of borrowed money. (2) John Scot in Brodland £21 for victual and borrowed silver with 16 years interest. (3) Alexr. Mitchell in Rattray £10 4/- for Malt. (4) James Smith in Rothnachie £10 for seid crop 1635. (5) Meattie Fraser in Concraiges of Ardglassie 40/- for meill. (6) Alexr. Smith in Auchiries £12 6/8 for meill. (7) David Yuill in Teshmuir 28 merks for two bolls of seid beare crop 1632 and (8) David Michie in Ardmukhorne £10 for a cow with calff bought four years previously. Expenses against Gordoune 16/- against the others 6/8 each.

**Removing.** Andrew Gray, Appeirand of Schives, Factor and Chamerlane to James Gray of Schives his father *v.* Robert Auld in Culakes in the barony of Schives and Wm. Sanct in Newseat in the barony of Tarves. Sasine dated 29 Octr., 1614. Notary James Birny.

14. **Rent.** Alexr. Gray, Bailzie in Piterheid *v.* John Davidstone in Auchlie. Andrew Watstone in Auchlie had by Contract dated 11 July 1622 wadset the oxengait of land occupied by Davidstone and rents thereof to the Pursuer for £1000. The rent for crop 1636 not having been paid, was now decerned for with £3 of expenses.

21. **Removing.** Marjorie Hay as liferentrix of Brunthill in the parish of Cruden *v.* James Gordoune in Litill Brunthill and Alexr. Pirie there. Sasine dated 4 May, 1609. David Robertstone, Notary.

26. **Removing.** Mr. Alexr. Jaffray, Provost of Abd. *v.* George Johnstone, younger, son of Sir George Johnstone of Caskieben, knight. The lands of Muirtoone were the subjects from which the Defender was ordained to remove. Sasine dated 25 and 26 January, 1636. Notary Alexr. Thomsone.

**Loan.** Elspet Troup in Abd. *v.* Wm. Hoig in Ovirhall. Decree passed for 20 merks "borrovit monie with sax yeires annuelrent thair of according to the Actes of Parliament." Expenses 30/-.

**Trespass by Cattle. Abstracted Multures, &c.** James Mackie at the Milne of Seaton *v.* Alexr. Tellie in Old Abd., Harie Kempt there and George Craig there. Part of the crop referred to grew upon the Pursuer's occupation of Brigfeildis crop 1636.

21. **Loan.** Capitane Major Thomas Hay, formerly Chamberlane to the Lord Hay *v.* Robert Duiguid in Hardslaiks. The Defender had borrowed 50 merks from the Pursuer, repayable at Whitsunday, 1624.

28. **Loan, &c.** Thomas Andersone in Auchballa *v.* James Harper in Marievell. Decree passed for 20 merks borrowed silver and £15 for bear purchased with 40/- of expenses.

**Abstracted Multures.** George Mathewsone at the Milne of Bourtie *v.* James Johnstoun in Gownar and Arthur Milne in Chapelhous of Meldrum.

## Aberdeenshire Sheriff Court :

1637.

July 28. **Cows.** George Gordoune of Nathermuirc *v.* James Guthrie in Auld Abd. Decree for 20 merks, being the "pryce of tuo kye coft and resavit."

**Agreement to take Lease. Absolvitor.** Gilbert Meingzies of Pettfoddeles *v.* Wm. Troup in Spittell and Robert Knowes in Murthill. The pursuer stated that when he was suing before the Sheriff of Kincardine an action against Knowes to have him removed from Milne of Crynauche, he stopped proceedings on an undertaking by the Defenders to pay past due rent and to take a three years' lease of the Milne. They denied this bargain on a reference to their oaths, and were assolizied.

**Transferring.** Isobel Douglas, widow and executrix confirmed to Alexr. Donaldsone, burgess of Abd. *v.* George Gardyn in Hopishill as principal and John Forbes in Rora as cautioner, under a Bond to the deceased for £87. This Bond, which was dated 29 May, 1635, and registered in the Sheriff Court Books, was ordained to be transferred *active* in the person of the Pursuer.

29. **Registration.** James Bisset, lawful son and heir of the late Wm. Bisset in Drumquhreny *v.* Alexr. Wicht in Littill Finnersie and Wm. Wicht, his son. A Bond for 100 merks dated at Kincardyne O'Neill, 9 January, 1630, granted by the Defenders to the Pursuer's father, was ordained to be registered for execution at the instance of the Pursuer, whose service dated 17 May, 1637, was produced.

**A Cow and a Stirk.** Mr. Wm. Lumsden, Advocat in Abd. *v.* Thomas Sangster in Raineshill. The Pursuer got decree for £20, being the price of "ane kow and ane stirk" sold to the Defender. Expenses 26/8.

**Removing.** Alexr. Udney of Auchterellone *v.* Gilbert Johnstoune in New Leslie, Mr. James Douglas, Minister there, and a number of other tenants of New Leslie, Chrysteskirk, Templand, Edderleit, Rothmurrell and others situated in the parishes of New Leslie and Kinethmont. Sasine dated 10 May, 1637. Notary John Ingrahame.

**Failure to Reside on Farm.** Charles Dun, Litster, burgess of Abd. and Thomas Johnstoune of Craige [of Dyce] *v.* Alexr. Byres in Corstaine. The Pursuers alleged that the Defender had entered into a verbal lease of Boginjose for 3 years from Whitsunday 1637, on the conditions specified in the entry, one of these being that he should make his actual residence on the possession. In case of failure Byres was to pay £100 over and above the rent, &c. The Pursuers referred their case to the Defender's oath, but he failed to appear and was held as confessed. Expenses £3.

**Failure to Reside on Farm. Penalty. Deterioration of Buildings.** Mr. Matthew Lumsden, Bailzie, burgess of Abd. *v.* Wm. Smyth in Gilcomstoune and Thomas Smyth, his son. By lease dated 5 Novr., 1630, Wm. Smyth for himself and taking burden for his wife Isobel Cowper and his son Thomas, became the tenants of Ruddriestoun for five years from Whitsunday 1631. They were bound by the lease "to duell upone the said rounge and mak actuall residence thair" under failzie or penalty of £100. There was a farther obligation to leave the buildings in "als guid estait" at removing as at entry. Failure in both respects was charged and decree passed, but not for the full sums claimed.



## Decree Books : Vol. VI., Contents

1637.

- Aug. 16. **Money Debt.** Duncan Forbes in Bithnie *v.* James Wilson in Drymminnoir. The Pursuer sued for 130 merks, which in 1634 the Defender promised to pay to him at the direction of the "Richt Honorabill" Alexander Maister of Forbes. Decree passed for 100 merks with £5 of expenses.
- Sept. 13. **Relief or Payment.** Wm. Erskine, burges of Abd. *v.* John Forbes in the Cheppellan Chamberis of Old Abd. The Pursuer was Cautioner for Wm. Seton of Disblair in a Bond in favor of Alexr. Keyth, Portioner of Duffes. His allegation was that the Defender had undertaken to relieve him but had failed to do so. The Defender's oath was taken and his deposition is recorded in the decree.
27. **Cautionary Obligation.** Catherine Lichtoun, daughter and heir of John Lichtoun, Skipper, burges of Abd. and Andrew Burnett, elder, burges of Abd., her husband *v.* James Leslie of Auquhorthies, as cautioner for John Leslie, fiar of Petcappill, in a Bond for 200 merks dated 8 June, 1631, and registered in the Books of Council and Session 21 March, 1636. The date of the Service of the Pursuer as heir to her father was 9 May, 1637.
- Octr. 4. **Rent.** John Rae, burges of Abd. *v.* Alexr. Tellie in Old Abd., who had occupied a rig of land on the West side of "the Citie of Old Abd." crop 1636 and 1637. Expenses 30/-.
- Novr. 15. **Guarantee.** Alexr. Burnet of Clunie *v.* Wm. Hay and Paul Colleisone burgesses of Abd. as guarantors for James Mowat youngest lawful son of the late James Mowat of Ardo. The amount was £60. Expenses 40/-.
17. **Spuilzie.** Sir Robert Innes of that Ilk, knight baronet *v.* James Schand in Latheres, John Rhind, Messenger in Monelie, John Sinclair at Boynismilne, Alexr. Schand in Crichtie, Wm. Schand in Littertie, and Arthur Davidsons at the Valk Milne of Plaiding. This was a decree for the restoration or payment of a number of cattle, horses, and sheep taken from the lands of Dradlen in the barony of Auquhorsk in August, 1633.
22. **Oxen.** Helen Keith, lawful daughter of Wm. Keith in Esle *v.* Alexr. Blackhall in Ruschheid. The Defender was ordained to pay 52 merks for two oxen bought in 1621 with interest from Whitsunday in that year and 40/- of expenses.
- Horses. Rents, &c.** John Gordoune of Blelack *v.* (1) James Middiltoune in Keandor £16 as the price of a horse and mare. (2) Allaster Petrie in Ardgiche 10 merks for his occupation of Eist toune of Tilloskeuthe in 1635. (3) Alexr. Garrow in Rippachie 20 merks for his occupation thereof in 1633 and 1634 and 20 merks paid out on his account and (4) Peter Forbes in Large 46 merks for his occupation thereof in 1633 and 1634 with 10/- each of expenses.
- Delivery of a Bond.** James Leslie of Tilliekie, lawful son of George Leslie of Kincragie *v.* John Leslie, younger, of Pittcappell. This was a decree for delivery of a Bond for 200 merks or alternatively of a sufficient Discharge, the Bond having been settled by setting off certain debts of the Defender against it. Expenses 40/-.

## Aberdeenshire Sheriff Court :

1637.

Novr. 22.      **Merchandise. House Rent, &c.** Leonard Leslie, burgess of Abd. *v.* Robert Farquharsone in Inchemarno and Jean Forbes, his wife. The Defenders occupied the Pursuer's "Ouir ludging in the Neither Kirk Gait fra Witsonday 1635 to Witsonday 1636" and bought certain merchandise, the whole amounting to £38 19/4. Expenses 4 merks.

29.      **Victual and Rent.** Patrick Ross, Chamberlane and Factor to Robert Irving of Feddret *v.* (1) Andrew Smith in Artamfurd £6, (2) Andrew Cruikshank in Irnesyde £5, (3) George Davidsonsone in Quhythill £6, all for victual purchased by them, (4) Patrick Clerk in Claymyres £16, balance of rent crop 1635 and (5) Andrew Smith in Affleck £3, balance of rent crop 1634. Expenses 20/- each.

**Rent. Caution to Pay, Plenish or Remove.** Alexr. Burnet, burgess of Abd., proprietor of Auchlie in Peterculter *v.* John Leith in Auchlie, brother german of Patrick Leith of Quhythauche. The Defender had taken a ten years' lease of Auchlie from Whitsunday, 1635, at a yearly rent of 100 merks, payable at Martinmas following the crop. No rent had been paid nor was the holding sufficiently stocked. The Defender was ordained to sufficiently plenish the farm and to find caution for arrears of rent and future rent or to remove.

Decr. 2.      **Bear.** Alexr. Farquhar, Merchand, burgess of Abd. *v.* Wm. Hoig, Maltman, burgess there. This action was for recovery of the price of 38 bolls of bear sold at the price of £8 per boll. Expenses 40/-.

6.      **Rents of Escheated Estate.** Robert Irving of Feddret, Donator to the gift of "escheit and lyvrent" of Mr. Alexr. Irving of Hiltoun and Robert Irving, burgess of Abd. *v.* Patrick Thomsonsone in Litill Perveinneis and David Greig there. The escheit had apparently been first gifted to Dr. James Chalmer (whose designation is not given in this decree) and by him assigned to the Pursuer. The dates of the Gift, Assignment and Decree of Declarator were respectively 8 January, 19 February and 17 June, 1630.

8.      **Removing. Absolvitor.** Margaret Hay, widow of George Craford of Annochie and Mr. Robert Gardyne, her husband *v.* Alexr. Straquhane, elder, of Glenkindie, Alexr. Straquhane, younger, of Glenkindie, and others, tenants of the Maynes and Maner place of Annochie. The Defender, Alexr. Straquhane, the elder, produced a heritable title made up thus : (1) Apprising of the lands against the deceased George Craford, at the instance of George Craford, his son, dated 15 May, 1624, with assignation thereon in favor of Alexr. Straquhane, the elder, (2) Ratification of the said Assignation and Disposition dated 21 February, 1625, (3) Charter by Alexr. Irving of Drum, the Superior, dated 5 June, 1626 and (4) Sasine following thereon dated 29 June, 1626. Notary Thomas Clerk.

13.      **Accounts for Meal.** Robert Irving of Moncoffer *v.* his debtors (upwards of 20) for meal sold. Expenses 10/- each.

20.      **Removing.** Margaret Hay, widow of George Craford of Annochie and Mr. Robert Gardyne, her husband *v.* Alexr. Keith of Balmuir and another. The Pursuer was liferentrix of Quhythill of Feddret, her Sasine being dated 22 Decr., 1626. Notary David Robertsonsone.

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1637.

Decr. 20. **Rent.** Patrick Urquhart of Lethintie *v.* John Abircrombie at the Milne of Fingesk, James Clerk in Fingesk, John Thomsone in Lethintie, Robert Crombie at the Milne of Lethintie, Gilbert Milne in Saphack and others. The amounts due were said to have been fixed by an Act of the Pursuer's "awin Court" and the Defenders' "awin confessionnes eftir compt and reckning." The Act of court, dated 23 May, 1637, was produced.

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Jany. 9. **Alleged Debt. Absolvitor.** George Stewin, Baxter in Abd. *v.* Wm. Leslie of Warthill. The Pursuer sued for 10 bolls "guid and sufficient aitt meill of the cropt <sup>im</sup> vic and auchtein and <sup>im</sup> vic and sewintein yeires or aither of them, alleging that he was entitled thereto as grandson of Andrew Tilliedaff of Raniestoune, who at one time seemed to have had rights over Warthill, Curtestoune and others. The Defender "be his gryt aith denyit the haill contentes of the said persewares lybellit summondes."

24. **Rent.** Mr. Alexr. Ross, "ane of the Ordinar Ministeres" in Abd. *v.* (1) Andrew Aquhaith, Fermorer in Abd., for a boll of malt each of the years 1634, 1635 and 1636 for the occupation of part of the "Gleib in Feittie" and (2) Thomas Blenschell, Fermorer there, 6 firlots beir for his occupation there, crop 1634. Expenses 30/- each.

Feby. 2. **Tobacco.** Alexr. Farquhar, burgess of Abd. *v.* Wm. Ramsey in Drumquhendill. Decree passed *inter alia* for £7 4/- for tobacco "coft and resaut." Expenses 20/-.

Jany. 31. **Debt. Ticket.** Mr. Robert Farquhar of Mownie, Bailzie, burgess of Abd. *v.* (Out of date.) John Gordoune of Scheiwes. A Ticket dated 24 Novr., 1635, for 20 merks was founded on.

Feby. 16. **Removing.** Andrew, Lord Fraser *v.* Thomas Greig, occupier of 12 bolls sowing of Cairnebulge and Michael Greig, occupier of 6 bolls sowing there. Sasine dated 18 May, 1637. Notary Mr. Patrick Chalmer, Sheriff Clerk of Abd.

23. **Sundry Debts.** George Bruce, Saidler, burgess of Abd. *v.* Thomas Robertsonsone in Auchterellon and a number of others. The claims were chiefly for grain, but repayment of a loan of "half ane dolor at tuantie nyn shillingis" was sought from one of the debtors.

**Rent.** Margaret Hay widow of George Craford of Annochie and Mr. Robert Gardyne, her husband *v.* Alexr. Keith of Balmuir. The rents of Whythill, Aquhathe and Brounehill were decerned for. The widow had the liferent of these lands in special warranty of the liferent of the lands of Annochie, which had passed to Straquhane of Glenkindie, as described in a previous decree [*vide supra* p. 446], which was produced in this case.

28. **Supplement. Rent.** Dame Anna Drummond, Lady Fraser *v.* Thomas Norvall at the Milne of Wattertoune. The authority of the Court was interponed to an Act of Court of the Barony of Wattertoune dated 18 Octr., 1637.

## Aberdeenshire Sheriff Court :

1638.  
Feb'y. 28.     **Medicine.** John Barclay, Apothecar in Abd. *v.* Patrick Black, Saidler, burgess of Abd. The Pursuer sued for 30/- for medicine "usit to the said defender his bairne at his desyre." In this case the Pursuer referred his case to the Defender's oath and the latter attended in obedience to citation, but refused to depone.

**Rent. Absolvitor.** Robert Buchane in Portlethin *v.* Andrew Reny in Kinenetie. The Pursuer, as heritable proprietor of the subjects, claimed from the Defender the rent crop 1631 of Milne of Portlethin called Philipis Milne, described as being in the barony of Portlethin and Sherifffdom of Abd. It would appear from the Sheriff depute's findings that the libel had been found relevant and a proof allowed by Mr. James Irving, the then Sheriff depute, so far back as 15 February, 1633. The Pursuer was now found to have "failziet and succumbit" in proving his case and the Defender was assolizied.

March 2     **Removing.** Mr. Robert Petrie, Wreittar in Edinburghe *v.* the tenants of Arnage and James Chein of Arnage. Sasine dated March 1635. Notary John Ingrahame.

**Registration.** Alexr. Downie in Lawellsyde, eldest lawful son and heir of Marjorie Meldrum, his mother, who had been sometime wife of Gilbert Bangzie or Badzenoche who was the father of Elspet Bangzie wife of James Black, burgess of Inver-rourie *v.* the said James Black and Elspet Bangzie. The Bond which was ordained to be registered for execution at the instance of the Pursuer was one for 400 merks granted by the Defenders in favor of the Pursuer's mother, dated 11 Decr., 1637.

9.     **Gift for Good Offices in connection with a Marriage.** Gilbert Meingzies of Pettfoddells, as assignee of Robert Keith in Leyludge *v.* Robert Johnestoune lawful son of the late Robert Johnestoune in Corshill. The sum sued for was 100 merks, which the Defender had promised to Robert Keith "of guidveill and favor he haveing married the said Robert Keith his sister." The promise was never reduced to writing but a written Assignment of the claim had been granted to the Pursuer.

**Letters of Caption. Liability of Cautioners.** Alexr. Gray in Pitterheid *v.* James Ord in Scottismilne and Wm. Hamptoune in Clerkhill. Following up a former Decree against James Bruce at Scottismilne, the Pursuer was about to proceed to incarcerate him under Letters of Caption, taken out in the Supreme Court in Novr., 1637, when the Defenders who were friends of Bruce promised faithfully to the Pursuer "be thair aithes and giveing of thair hands to him" that they would either pay the debt or enter the debtor in the Tolbooth of Abd., within 20 days. They did neither, hence this decree. The Defenders had an opportunity of denying their promise on oath but did not avail themselves of it. Expenses £4.

**Bonds of Thirlage.** Alexr. Farquharsone, eldest lawful son of Robert Farquhar-sone of Fingzeane, heritable proprietor of Milne of Clinter *v.* Robert Gardyne of Tilliefroskie, David Farquharsone of Balfedie and Alexr. Gradane of Quhytstaine. The Pursuer as assignee of Sir Alexr. Gordoune of Clunie was in right of three Bonds of Thirlage, whereby the Defenders and their tenants were bound to grind their corn at Milne of Clinter, and pay the 20th peck therefor.



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Mar. 14. **Plenishing Farm or Removing.** Dame Anna Drummond, Ladie Fraser *v.* Thomas Norvall at Milne of Wattertoun. [*Supra* p. 447.] The tenant was ordained to sufficiently stock his possession or to remove.

16. **Bear.** Alexr. Burnet, elder, burges of Abd. *v.* Elspet Hay and Wm. Hog, elder, Maltman, burges of Abd., for his interest. The narrative bears that the Pursuer had in April, 1637, "ane great quantitie of victuall at the schoir to sell," which was being sold at £9 per boll payable at Whitsunday or 14 merks per boll payable at Lammas. The female Defender, "shoe being in use" [to transact] "in talibus," and her husband for his interest were ordained to pay for 8 bolls bear at £9 per boll.

**Spuilzie of a Minister's Poultry Yard.** Mr. Alexr. Gordoune, Minister at Glenmuck *v.* John Smith in Torsinsellie.

**Rent.** Marjorie Knowis, widow of John Irving of Kinnowsie *v.* Alexr. Thome in Knokquharne. The Defender had occupied part of the Pursuer's lands of Monecht.

**Forthcoming.** Mr. Alexr. Scrogie, Doctor of Divinitie, Minister at Sanct Machers Kirk in Auld Abd. *v.* Andrew and George Summeres in Disblair and Wm. Setoune, elder of Disblair, Isobel Setoune, his wife, and Wm. Setoune, their son, for their interest. The Setounes had in December, 1632, borrowed £120 from the Pursuer. The Bond was recorded in the Commissary Court Books on 11 Novr., 1633. Thereafter on a Precept of Poiniding containing warrant to arrest issued from the Commissary Court, an arrestment of the rents due by the Summers to the Setounes for crop 1633 had been laid on by John Kilgour, younger, "ane of the ordinar officeres of the Diocie of Abirdein," on 25 Novr., 1633.

**Supplement. Rent.** Doctor Alexr. Scrogie *v.* Robert Jois in Lairshill. The Defender had been ordained in a Court of the Lands held on 7 July, 1637, to pay to the Pursuer as heritable proprietor the rent of his holding for crop 1636.

21. **Debt. Ticket of Agreement.** Patrick Reid, sometime in Cornabo, then in Meikill Abercattie *v.* Adam Leyth, portioner of Auchnagathell. As a settlement of "all byruns" the Defender, by Ticket of Agreement dated 17 August, 1633, bound himself to pay to the Pursuer £500 by instalments, the last of which had fallen due on 1 Novr., 1637, but nothing had been paid. Expenses £3.

**Forthcoming. Feuduties of Bishoprick of Aberdeen.** John Forbes of Corss, Doctor of Divinitie, executor testamentar nominat and confirmit to ane umquhill reverend father in God Patrick Bischop of Abirdein styllit Patrick Forbes of Corss *v.* Andrew Howie in Auld Rain, Patrick Leith there, Wm. Meany there, Henry Clerk there, Alexr. Abircrombie there and Michael Sangster at the Milne of Auld Rain. The narrative bore that the Bishop died in March, 1635, and that the feuduties due to him as superior of Auld and New Rain at the time of his death, including those falling due at Whitsunday, 1635, now fell to be paid to his Executor. In fortification of the claim for the feuduties of New Rain there was produced a Decree of the Court of Session dated 19 July, 1637, at the instance of the Pursuer against Janet Gordoune, widow of John Leith of Harthill and wife of Adam Abircrombie, and an arrestment in the hands of the Defenders following thereon.

## Aberdeenshire Sheriff Court :

1638.  
Mar. 21. **Not entering to Ward. Liability of Cautioner.** Wm. Hay in Netherhill of Essies *v.* John Hay of Cremmonmogat. George Johnnestoune, elder, burgess, had in 1625 become indebted in the sum of 300 merks to the late Gilbert Cock in Mintlaw. To this debt and a Decree of the Commissary Court against Johnnestoune, the Pursuer had acquired right by Assignation granted in his favor by Cock's children and executors. Having proceeded to imprison the debtor, the Defender John Hay intervened for his release, undertaking either to re-enter the debtor on ward or pay the debt. By this decree he was ordained to pay the debt with interest since Whitsunday 1625 and £4 of expenses.

**Rent.** Mr. George Gardyne, Persone of Clatt, as assignee of the late Mr. James Cruikshank of Tillimorgen *v.* Thomas Ingrahame in Newseat of Tillimorgen and Symond Galloway in Fischerfuird. The Pursuer produced an Assignation dated 4 Sept., 1634, to the rents of 1634 and 1635. Expenses £4.

28. **Rent.** Andrew, Lord Fraser *v.* John Forbes in Ruischhill [or Rinschhill]. An Act of Court of the barony of Muchell and Stainiewood dated 21 April, 1637 was produced.

**Exhibition of Writs.** Robert Irving of Fedderet, as in right of the escheit and liferent of Mr. Alexr. Irving of Hiltoune *v.* Mr. Robert Farquhar, burgess of Abd. and Mr. Wm. Gordone Doctor of Medicine and Mr. John Lundie, common prors. of the Kinges Colledge of Abirdein, for their interest. The writs which Mr. Robert Farquhar the principal Defender was called upon to produce were (1) "Ane Tak of the Teind Sheawes of the landes of Lochhills Clubisgavell Areburne and pairtinentes thair of lyand within the parochen of St Machar Dioce and Shreffdome of Abirdein set be the Principall of the Kinges Colledge of Auld Abirdein Maisters and Members thereof with consent of the Bischope and Chapter of the Cathedrale Kirk of Abirdein, to umquhill Robt Mutray sumtyme of Lochhills duiring his lyfetyne and for ane lang spaiice thereafter" [date blank]. (2) "Ane Tak and Assedatione of the Teinds of the landes of Littellgavle and pairtinentes lyand as said is perteing now heretably to the said Mr. Alexr. set be the Principall of the said Colledge Maisters and Members thereof with consent abovwreittin to Alexr." [? John] "Gordone sumtyme heretable proprietar of the forsaid lands for all the days of his lyfetyne and for ane lane spaiice thairefter" [date blank]. The title of the Pursuer was by Assignation from Doctor James Chalmer "ane of his Ma/ ordinar physicianes," who had the gift of Mr. Alexr. Irving's escheit. The lease first named was assigned by Thomas Mowtray son and heir of Robert Mowtray to the late George Marquis of Huntly, and the lease second named was assigned by Thomas Gordone, son and heir of John Gordone also to the Marquis of Huntly, who assigned both leases to Mr. Alexr. Irving. The decree does not state how Mr. Farquhar came to be in possession of the leases.

**Forthcoming.** Alexr. Cheyne of Raincestoune *v.* Mr. Thomas Gray, Bailzie, burgess of Abd. and Patrick Meldrum of Iden for his interest. By Bond dated 4 Jany., 1628, Patrick Meldrum, therein styled Fiar of Iden, James Cheyne of Arnadge and Wm. Scattoune of Schethine became bound to pay to Alexr. Meingzies, second lawful son of Thomas Meingzies of Balgownie the sum of 1000 merks of principal and 300 merks of penalty. This Bond was assigned to the Pursuer by Assignation, dated 24 Decr., 1634. No interest appeared to have been paid since Whitsunday 1632, and the decree against Gray, in whose hands arrestments had been used was for 5000 merks.

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Mar. 30. **Cautionary Obligation. Relief.** Thomas Urquhart, sometime in Chappelanet, then in Lambhill *v.* James Schand in Auchry and Patrick Stewart in Dorleithers. The Pursuer had along with John Urquhart of Lathers and Wm. Gordone of Ariedoull and John Urquhart in Glasley been a cautioner for the Defenders in a Bond for 2000 merks in favor of Mr. Robert Udny of Lamintoune, of which he had paid £100 to the creditor. For this sum he now obtained decree. Expenses 40/-.

**Rent.** Robert Irving of Fedderet *v.* Robert Cheyne in Auld Gavell. This was another action sued by Irving as in right of the escheit of Mr. Alexr. Irving of Hiltoune. The rent of Areburne was claimed.

April 4. **Removing.** Sir Alexr. Gordone of Cluny, knight baronet *v.* The tenants of Ardoyne. Sasine dated 18 April, 1630. Notary the late John Chalmer. The names of the different holdings and crofts are given with unusual fulness.

**Seed Corn.** George Patersone at the Mylne of Dyce *v.* Abraham Nicoll in Clubisgowell, David Bartlet in Areburne, David Nicoll in Lochhilles, James Smith in Littill Gowell and James Drum in Auld Gowell.

**Wool.** Archibald Baxter, burghess of Abd. *v.* Robert Walker at the Milne of Air. Decree for £16, being the balance of the price of wool which the Pursuer had paid to James Cruikshank, burghess of Abd., at the Defender's request, and on his behalf. Expenses 40/-.

**Loan.** Alexr. Lumsden, son and heir and executor of Mr. Robert Lumsden of Auchinleck *v.* Alexr. Gordoune of Carneburro. The Defender was ordained to pay 2000 merks contained in a Bond to the Pursuer's father, dated 22 Novr., 1631, with interest from Martinmas, 1636.

**Spuilzie.** Alexr. Shelbie [or Shewie] in Abd. *v.* Alexr. Leith, sometime of Counteswalls, then burghess of Abd. The claim here was (1) for two cows and their followers taken from Gairdyne in Peterculter in January, 1635, together with excrescent profits, (2) for 5 bolls of bear with the fodder crop 1634, taken from Fogiebruntland of Counteswalls in August, 1634. Besides other excrescent profits the milk of each cow was by the Pursuer estimated at one quart daily at 2/- per pint; but in the decerniture the value of the milk was slumped with other things. The value of one of the cows with her calf was fixed at 16 merks, while for the other cow 10 merks was ordained to be paid. Expenses 40/-.

**Meal and Bear.** Mr. Wm. Setoune of Raniestoune *v.* Hew Gordoune in Tarves. The Defender had purchased from the Pursuer in July, 1637, some Meal and Bear payable at Michaelmas, but had not paid. Expenses 40/-.

**Forthcoming.** George Stewart, burghess of Abd. *v.* Alexr. Birnie, John Grige and George Grige, all in Fraserburgh, and John Birnie, burghess of Abd. John Birnie was due £85 6/8 to the Pursuer, who had used arrestments in the hands of the other Defenders.

## Aberdeenshire Sheriff Court :

1638.  
 April 4. **Forthcoming. Absolvitor.** John Forbes of Balnagask and Mr. James Forbes of Haughtoun v. Wm. Merse in Meikill Endowye and John Gareoche in Badevin for his interest. The Pursuers failed to prove that anything had been arrested in Merse's hands.
11. **Exhibition of Lease.** Sir Alexr. Gordoune of Clunie, knight baronet v. Wm. Johnstoun, burges of Inverrourie. A five years' lease of two roods in Inverrourie was ordered to be produced.
25. **Dyer's Account.** Patrick Jack, elder, Lister, burges of Abd. v. John Gordoune of Arlauch. The sum of £20 18/8 due by the Defender's late father was decerned for with 40/- of expenses.
- Verbal Guarantee. Absolvitor.** Mr. Wm. Setoun of Raniestoun v. Patrick Urquhart of Lethintie and Thomas Urquhart in Lambhill. John Thomsone, sometime in Lethintie, having bought from the Pursuer oats and bear to the value of 132 merks 11/8 and having failed to pay, was threatened with poinding. Out of respect to the laird of Lethintie, the Pursuer (as he alleged) held his hand, until he should have spoken with him. When they did meet, he averred that Patrick Urquhart promised to stand good for the debt and that the other Defender undertook to be cautioner for him. On a reference to the Defenders' oaths, they deponed that there was attached to the promise a condition which had not been fulfilled.
- May 16. **Verbal Guarantee.** Helen Liddell, widow of Walter Angous, burges of Abd. v. Alexr. Gordoune of Birmoir. The Defender had guaranteed to the Pursuer the rent due by Alexr. Tellie in Auld Abd. for a rig of land on the east side of Auld Abd. crop 1637. Expenses 30/-.
23. **Removing.** Mr. Robert Bisset of Lessindrum v. George Cruikshank in Begishill in the parish of Drumblait. Sasine of the Superiority of the lands dated 26 March, 1633. Notary John Spens. Instrument of Resignation ad Remanentiam of the Property of the lands dated 13 April, 1633. Notary John Spens.
- Removing.** Robert Gairdyne of Tilliefroskie and Boigheides v. Gilbert Gairdyne, his eldest son, who was in occupation of the middle half of Tilliefroskie in the parish of Birss. Sasine dated 4 Sept., 1620. Notary the late Thomas Forbes.
- June 1. **Removing.** Thomas Body in Pitterheid v. Thomas Murray and Alexr. Murray in Carneurquheis in the Parish of Auld Deir. Sasine dated 18 Sept., 1637. Patrick Milne, Notary.
- May 26. **Registration.** Agnes Mowat, daughter and executrix of James Mowat in Dowaltie (Out of date.) and James Ross in Quhobbes, her husband v. Alexr. Gairdyne sometime of Banchorie, then in Auld Abd. The Defender had by bond dated 6 Novr., 1616 bound himself as cautioner for George Merse "ane of the Commissar Clerks of Auld Abirdein" for a loan of 100 merks from the deceased James Mowat. This Bond was now ordained to be registered for execution at the instance of the Pursuer. According to the terms of the Obligation the loan was to be repaid on 10 Nov., 1616, within the dwelling-house of Mr. Gilbert Ross in Abd.



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1638.

June 1. **Supplement. Cutting Green Wood. Burning Peats, &c.** Alexr. Irving of Lenturk *v.* John Findlaw in Waster Beltie and others. Acts of the Court of the lands of Waster Beltie, Sundaywalls and Torphines were founded on. The reason for applying to the Sheriff Court was that the officer of the ground, being one of the defenders, would not put the Acts of Court of the lands to execution.

6. **Registration. Settling of Marches.** Mr. Robert Farquhar, Bailzie, burgess of Abd., heritable proprietor of Mownye, Pitmone, New Craige and Petblaine *v.* James Elphinstoune, son and heir of John Elphinstoune of Warthill and his Tutors and Curators. The writ, which was ordained to be registered was titled "Ane Appointment of the dait the twentie ane day of Agust 1624 yeiris past betuixt umqle Johne Urquhart of Craightintrey on the ane pairt and umqle Mr. James Elphinstoune of Bairnes Tutor to James Elphinstoune lawful son to the said Johne Elphinstoune on the uther pairt anent the satting of the merchies of the saides landes and all controversie that mey aryse thereafter." The deed was dated "At the mose callit the Guschet Mose betuixt Auld Craige Warthill Pittmone Petblaine and New Craige." The witnesses were John Leslie of Pitcappell, James Elphinstoune of Glack, Wm. Leslie of Litill Warthill and Mr. Robert Elphinstoune of [?] Kinbo or Lembo.

**Registration.** The said Mr. Robert Farquhar *v.* John Leslie of Pitcappell, styled here heritable proprietor of the Kirk lands of Dawiot and lands of Auld Craige. The Contract here too was for settling marches and was dated at Mownye 14 August, 1624.

**Relief.** Thomas Wastland in Bantuith and other tenants there *v.* Mr. Wm. Burnet of Carneday. After paying their rents to Mr. Burnet these tenants were sued by Elizabeth Seatone, widow of Wm. Gordone of Aberzeldie, liferentrix of three chalders and ten bolls of victual out of the lands. They now sued for relief. The crop in question was crop 1633.

13. **Liquidation and Payment.** Wastland and others *v.* Burnet [*vide* preceding entry]. This decree followed naturally upon the Decree of Relief.

15. **Removing.** John Keith, heritable proprietor of Coldhome in the Parish of Migvie *v.* Alexr. Forbes there. Sasine dated 26 June, 1637. Notary Alexr. Dunne.

**Loan.** James Bisset, son and heir of Wm. Bisset in Drumquhrenny and James Blackhall in Ley his Curator *v.* Alexr. Gordoune in Abirzeldie and Thomas Vastland in Bantuith. This decree was for enforcing payment of 600 merks with interest and penalty contained in a Bond of date 2 June, 1626 granted by Gordoune as principal and by Vastland and the deceased Wm. Chrystie in Newmuir of Midmar as cautioners, in favour of the Pursuer's father.

20. **Forthcoming.** Robert Irving of Feddret *v.* John Ronaldsone, Maltman, burgess of Abd., and Helen Liddell, widow of John Straquhane, Skipper, burgess of Abd., for her interest. Mrs. Straquhane had on 17 March, 1632, granted a Bond to the Pursuer for £800. The Defender Ronaldsone admitted that at the time of the arrestment he was indebted to Mrs. Straquhane in the sum of 200 merks payable at Martinmas next, for which decree passed in terms of his deposition.

## Aberdeenshire Sheriff Court :

1638.

June 20. **Supplement. Rent.** Mr. Hew Irving in [? of] Beiltsyde *v.* Andrew Irving there. The Pursuer had obtained decree in a Court of the lands of Beiltsyde held by his "awin Baillie" on 29 Sept., 1637, for a certain sum of rent and arrears of rent.

27. **Removing.** John Keith, heritable proprietor of Waster Migvie *v.* Mr. John Reid, Minister at Migvie and Tarland, occupier of a quarter of the lands of Waster Migvie, Wm. Reid in Migvie, occupier of another quarter, Robert and Wm. Forbes there, occupiers of another quarter, and Wm. Meassone there, occupier of the remaining quarter. Sasine dated 26 June, 1637. Notary Alexr. Dunne. The procurator, who appeared for the Pursuer, was Mr. George Andersone.

July 4. **Peats and Pease.** Elspet Andersone, widow of George Scott, burgess of Abd. *v.* Abraham Nicoll in Scottistoun. The decerniture was for "fourtie pennies monie for ilk lead of sevin scoir leddes of peittes" and "sextain shillingis monie for ilk peck of four peckes of peace coft and receauit."

**Removing.** John Forbes in Bandle, heritable proprietor of Dorsell *v.* Wm. Greine in Dorsell. Sasine dated 27 Octr., 1630. Notary Wm. Simsone.

**Removing.** John Udnie of that ilk, heritable proprietor of the lands and "Barronie of Balhelvies" *v.* George Gairdyne in Hopishill. Sasine dated 20 May, 1628. Notary John Ingrahame.

6. **Removing.** John Seatoun of Auquhortheis, heritable proprietor of the half lands of Collihill in the parish of Bourtie *v.* Thomas Hill in Milne of Collihill. Sasine dated 14 Decr., 1627. Notary the late James Birnie.

11. **Rent.** Mr. Alexr. Farquhar of Auchintoull *v.* Thomas Shreff in Brigende. A year's rent of Langhauch crop and year 1637, amounting to 100 merks of silver duty, a wedder at £3 and a dozen poultry at 40/- was sued for. The Pursuer founded upon an Assignment of rents by Alexr. Forbes of Auchintoull, but the Defender pleaded that in "beir seid tyme 1637 yeires he delyvrit to the said Alexr Forbes cedent aucht bolls bear and the said Alexr acceptit the samen for the said soume of ane hundreth merks at sick pryce for ilk boll of the said bear as George Gareoche of Litill Endowie gatt for the bear he sauld at that tyme," which was £10 per boll, equal to £80, besides the wedder and fowls which he had also delivered. The Sheriff depute sustained the relevancy of this "peremptour exceptione," which the Defender attempted to prove by Forbes' oath but failed to do so. Expenses £3.

13. **Arrears of Interest, &c. Absolvitor.** Johne Straquhane of Carneburrow *v.* Wm. Gordoune of Terpersie. A large sum was claimed as unpaid interest on a loan of 900 merks ; but on a reference to his oath the Defender denied any indebtedness.

12. **Removing.** Wm. Forbes of Cottoune *v.* John Duffe, burgess of Abd., and Margaret Johnstoun, his wife. The Pursuer had a liferent lease of a tenement at the back of the Tolbuith, from Agnes Forbes, widow of John Ker, burgess of Abd., dated in 1632, and had sublet it to Arthur Forbes, sometime of Meanie. The Defenders, on what pretext does not appear, had *brevi manu* intruded themselves into the house.

## Decree Books : Vol. VI., Contents

1638.

July 18. **Wooll and Tobacco.** Wm. Lorimer, Merchand burges of Abd. v. John Robertstone in Belscamphe and Elspet Chalmer his wife. Decree passed for £40 8/- for wooll with "ane shilling for ane tobacco."

20. **Oxen and a Horse.** Andrew Craigheid at the Milne of Kingudie v. Alexr. Aikin in Kingudie. The values decerned for were 40 merks for two oxen, and 14 merks and a lamb at 20/- as the price of a horse. Expenses 20/-.

**Virtual.** James Blackhall in Ley v. James Mungzie in Ballblair and a large number of others. Expenses 6/- each.

**Removing.** Mr. Alexr. Scrogie, heritable proprietor of the lands, v. Robert Joise, tenant of a croft on Larishill. Sasine dated 28 June, 1628. Notary Wm. Watt.

**Removing.** Mr. Thomas Gray, Baillie burges of Abd., heritable proprietor of the lands v. Thomas Sangster in Ovir Ranishill, Ronald Allane there, Andrew Jamesone there and Mr. James Clerk of Tilliecorthe. It was pleaded for the Defenders that Mr. James Clerk (whose sub-tenants the other Defenders probably were) had a lease of five years from Whitsunday, 1634, from James Chein of Arnage, which lease was therefore unexpired. The reply of the Pursuer, which was given effect to by the Court, was that "Adame Bischope of Abirdein, Superior of the lands" had obtained, in the Court of Session, a decree of recognition against Chein of Arnage, consolidating the superiority and property of the lands and had thereafter conveyed them to the Pursuer. The date of the Pursuer's Sasine is not given.

**Not Entering as Cottars. Damages.** Robert Seatoune in Drumbreck v. Wm. Hay in Maines of Tolquhone and Robert Richie in Newseatt of Tolquhone.

27. **Personal Bond. Rights of Heir.** John Irving of Beltie v. Leivetenent Collonell Wm. Johnnestoune, lawful son of Robert Johnnestoun of Cremond, sometime Baillie and then Provost of Abd. The claim here was for (1) 103 dollors at 58/- Scots each, (2) £100 of liquidate penalty, and (3) past due interest. The ground of debt was a Bond granted by the Defender, dated at Lukstat [? Gluckstadt] on 28 August and 30 September, 1627, in favor of the late Capitan John Forbes of Burneheid, whose son and heir, John Forbes, had assigned it to the Pursuer, by Assignment dated at Edinburgh, 16 Novr., 1637, and registered in the Sheriff Court Books on 2 February, 1638. The right of the heir was thus set forth "because the said Bond is heretabillie conceavit beirand annuell rent the defunct long ovirleiving the terme of payment." Johnstone appeared and admitted his indebtedness.

28. **Rent. Relief.** Alexr. Gordoune of Birsmoir v. Alexr. Tellie in Auld Abd. The Pursuer, as cautioner for Tellie, had been obliged to pay the rent of a rig of land on the East side of Auld Abd., with 40/- of expenses, for all which he now obtained decree.

## Aberdeenshire Sheriff Court :

1638.  
July 28.     **Indebtedness for Sheep and Cows. Commission to take Defender's Oath.** Wm. Leslie in Kairthine *v.* Dame Sophia Hay, Lady Aboyne, widow of the late John Viscount, Aboyne. This was a claim for 200 merks for sheep and cows furnished to the deceased in July, 1631, with interest from that date. A commission had been granted to Mr. David Ballantyne, persone of Kincairdyne, to take the Defender's oath to be reported before a certain day with certification, but this had not been done.
- Personal Bond. Right of Executrix.** Marjorie Buck [or Buik], widow and Executrix to John Arclay, Cordoner burghess of Abd., and Arthur Dalgarno, her husband *v.* Thomas Smith at the Milne of Meanie, as heir served and retoured to Patrick Smith, Notary Public, who had been cautioner for Wm. Black, burghess of Abd., in a Bond to Arclay for 100 merks, dated 31 July, 1620. No interest was concluded for or mentioned in the Decree or apparently in the Bond.
- Aug. 10.     **Caution for Rent or Removing.** George Leslie, elder, of Kincragie *v.* Thomas Norval in Easter Tolmads. The conclusions were (1) for production of a lease for five years from Whitsunday, 1638, of a croft of Easter Tolmads, (2) for caution for the rent and duties and (3) failing caution, for decree of Removing. The rent and duties were "ten merks maill thretein shillingis four pennies teind siluer, ane sufficient servand to scheir all harvest sex pultrie foulls pryce of the peice thrie shillingis four pennies ane horss and servand to fewall and peit leiding and ane horss and servand to all kind of labour aucht dayes yeirlic."
- Spuilzie.** George Leslie, elder, of Kincragie *v.* Arthur Forbes in Easter Tolmads and Thomas Norvall there. The Defender, Forbes, was found liable to pay for "ane hundreth laids or burdingis of peitts yeirlic the yeirs of God," 1637 and 1638 at 5/- per "laid," while Norvall was found liable for 40 "laids or burdingis" each year at the same rate. The peats had been taken from the moss of Eister Tolmads belonging to the Pursuer. Expenses 40/- each Defender.
15.     **Not Entering to Service.** John Irving of Allathin *v.* James Moreis in Creichie. The Defender had been feed for the half year from Whitsunday to Martinmas, but had not entered to service. The decree against him was for £8 of money, 24/-, for "tua pair of new shoone," 6/- for "ane pair of casting shoone," and 13/4 for "ane sark." Expenses 40/-.
18.     **Failure to Carry Out Diligence. Liability of Sheriff Officer.** Alexr. Davidstone, burghess of Abd. *v.* John Spens in Bruntstane. The Pursuer entrusted the Defender with the duty of apprehending Gilbert Hay in Turturie, against whom he had Letters of Caption, but the latter failed to do so. He was found liable for the debt and also ordained to return four rex dollars at 56/- each, which he had received for his fees. Expenses £3.
- Sept. 24.     **Removing.** Patrick Urquhart of Lethintie *v.* James Smith in Badichell, Andrew Meldrum, sometime of Muires of Fywie and others. The lands of Muires were said to include Mackterrie, Balchreis, Eister and Vester Badichelles, Swanfuird and Over and Neither Muirefaulds. Sasine dated 11 May, 1635. Notary Mr. Robert Petrie.



## Decree Books : Vol. VI., Contents

1638.

Octr. 5.     **Registration.** Jean and Janet Ross, daughters and co-heirs of Findlaw Ross at the Brigend of Kinairmit and John Wallace in Littelcolpe, the husband of Jean Ross, and Andrew Horne at Brigend, husband of Janet Ross, for their interest *v.* Patrick Meldrum, sometime of Iden, Wm. Seattoune of Schethin, James Cheyne of Arnadge, John Forbes of Gask, John Barnet in Bolmaleid and Robert Wat in Kinmintie. Three bonds in favor of the deceased Findlaw or Findlay Ross, were ordained to be registered for execution at the instance of his heirs, viz.:—(1) Bond for 1000 merks by Meldrum, as principal, and Seattoune and Cheyne, as cautioners, dated 29 May, 1632. (2) Bond for £100 by Forbes, as principal, and Barnet, as cautioner, dated at Turreff, 11 Novr., 1632, and (3) Bond for 100 merks by Wat, dated at Delgatie, 16 June, 1629. One of the witnesses to the laird of Iden's bond was Mr. George Seattoune, brother of Wm. Seattoune of Schethin. To Forbes of Gask's bond one of the witnesses was Patrick Forbes his "oye," while the witnesses to the third bond were Gawin Urquhart in Corsewoodheid, Wm. Gordone, younger, in Buquhynochie and Mr. James Skcine, Notary Public.

Novr. 14.    **Forthcoming.** Patrick Smith, burgess of Abd. and Isobel Johnstoune, his wife *v.* John Ingraham, burgess of Abd., and Mr. Wm. Johnstoune of Midiltoune, for his interest. The Pursuer, Isobel Johnstoune, was the natural daughter of the Defender, Mr. Wm. Johnstoune, who had by Marriage Contract, dated 13 Jany., 1636, bound himself, *inter alia*, to infest his daughter and her husband in a house belonging to him "lyand in the end of the Braidgait on the east syid thairof," or failing their getting the house, to provide them in 400 merks. Having failed to get possession of the house, the Pursuers used arrestments in Ingraham's hands upon an Extract of the Marriage Contract, which had been registered in the Sheriff Court Books.

**Claim under Missive.** George Leslie of that Ilk *v.* Sir John Leslie of Wardes, knight baronet. The Pursuer having a claim of £30 against Isobel Leslie and Andrew Gordoune in Auchmengzie, her husband, received from the Defender a letter in which he promised to retain for the Pursuer the sum due, out of money coming into his hands. Decree for £30 and 20/- of expenses.

## Illustrative Examples taken from Vol. VI. of Decree Books

### Breach of Arrestment.

(11 Jany 1637)

THE SAID DAY anent the actione and caus persewit at the instance of Mr. Alexr. Davidsons his Grace pror. fiscall and Johne Gordoun of Haddo for his entres agains George Pratt, tennent to the said Johne Gordon and occupiar of his toun and landes of Wester Barrack TUITCHING the persewares lybellit summonds Makand mentione That quhair upon the first day of Junij last in ane court of that pairt of the barony of Kellie holdin in tennendrie be the said Johne Gordon of ane Nobill and potent Earle Johne Erle of Mar etc. be Francis Cheyn bailzie thair of the said defendar as tennant to the said Johne Gordoun of Haddo and occupiar of his said towne and lands of Waster Barrock was decernit to pay to the said Johne Gordoune of Haddo for his occupatione forsaid aucht scoir marks money for the cropt 1<sup>m</sup> vi<sup>c</sup> and threttie sex yeiris with the soume of fyw marks for ilk ane of four wadderis, tuantie schillinges for ilk ane of four lambes quhilk sould haiv bein payit at the Ruidday last four pundis money for tua dussone of hennis and sex pundis for auchtein capones quhilk sould have bein payit at Festrings evin last and Pasch last and the soume of threttein schillingis four pennies for ilk hors absence of four horss from tua lang summer carrages 1<sup>m</sup> vi<sup>c</sup> and threttie thrie and tua lang carrages 1<sup>m</sup> vi<sup>c</sup> and threttie four and four lang carrages 1<sup>m</sup> vi<sup>c</sup> and threttie fyw yeiris with the soume of ten pundis money for ilk boll of fyw bollis fyw peckes tua half disches teind meill yeirlie croptis 1<sup>m</sup> vi<sup>c</sup> and threttie fyw and 1<sup>m</sup> vi<sup>c</sup> and threttie sex yeiris and fourtie schillingis aucht pennies yeirlie for the teind custumes of the said tua yeiris and als the soume of ten pundis money for devyris and sundrie depursments in his affaires be wertew quhair of the said Johne Gordoune upon the secound day of Junij instant purchest the said bailzies arrestment and thairupone causit Johne Dune officer upon the said secound day of Junij instant [fence and arrest] tuantie pleuch oxin sex horss and meares sex ky and kaires four young steiris and thrie young queackis fourscoir auld scheip and tuantie lambes with the haill houssis biginges all perteing to the said defendar and in his possessione of his occupatione forsaid to haive remaint under arrestment ay and quhill he sould be satisfiet of his said debt and maid intimatioun to him personallie apprehendit as the said decreit, precept of arrestment and execuciones thair of proportis Notwithstanding quhair of sen the daitt of the making of the said arrestment

## Decree Books : Vol. VI., Illustrative Examples

the said defendar hes transportit and takin away his saids guidis fra the saids lands of Waster Barrock quhairon the samen was arrestit being in his possessione thairon the tyme of the said arrestment quhairthrow he hes incurrit the danger and perrill of brack of arrestment and that his saids haill guidis and geir sould be escheit and himself punischit conforme to the Actis of Parliament and lawis of this realme for his contempt And thairfor the said defendar to heir and sie the premissis sufficientlie werefiet and provin and being provin to heir and sie himself decernit to have done wrong in the violent braking of the said arrestment in contempt of his Ma/ lawis and autoritie and to be punischit thairfor according to the lawis of this realme sett doune and used againes willfull brackeris of arrestments in sick caices or then to alledg ane reassonabill caus quhy the samen sould not be done with certificatioun as effeiris as in the said persewars lybellit summons at mair lenth is conteinit. AND ANENT THE CHARGE givin to the said defendar to have compeirit this day befor the said Shreff or his deputs to have hard and sein decreit giwin and pronuncit againes him in maner under wreittin The said persewar COMPEIRAND for himself and as pror. for the said Johne Gordoun of Haddo for his entres and the said defendar being lauchfullie summondit to this actione oft tymes callit and not compeirand lauchfull tyme of day abiddin the forsaid pairtie persewar compeirand as said is richtes reassones alligations togidder with the said act of court precept of arrestment and executiones thairof of the daittis tennors and contents abowe wreittin with the depositiones of certane famous witnessis at lenth suorne and examinat upon the transporting of the guidis lybellit sen the daitt of the making of the arrestment aboue mentionat being hard sein and considderit be the said Shreff deput, and he thairwith being ryplie and at lenth advysit the said SHIRREF DEPUT findis that the said defendar hes incurrit the danger of brak of arrestment and thairfor DECERNES the said defendar to have done wrong in the violent braking of the said arrestment and contemning of his Ma/ lawis and autoritie and to be punischit thairfor conforme to the lawis of this realme sett doune and used againes willfull brakeris of arrestments in sick caices, BECAUS [then follow reasons which are only a repetition of what has been already said]

### Deterioration of Buildings. Conditions as to Housing of Cattle for Manure.

(22 Februy 1637)

The said day anent the actione and caus persewit at the instance of Robert Jhonstoun at the Kirk of Udny against Robert Forbes in Cragie . . . . to thankfullie content pey and delyver to the said Robert

## Aberdeenshire Sheriff Court:

Jhonstoun persewar the soume of fourtie pundis usuall Scotis money for the pryce of ane barne and haill timber of the same pertaining to the said perseuer (and demolishit and takin away be him and his subtennentes) upone the toune and landis of Ovir Tilligonie with tuentie merkis for the pryce of ane byre and timber of the same upone the saidis lands demolishit be the said defender and his forsaidis as said is and pertaining to the said Robert Johnestoune as his avin proper bigging upone his heretabill landis of Ovir Tilligony about the feast of Lambes in the yeire of God 1<sup>m</sup> vi<sup>c</sup> threttie thrie yeires And that be reassone the said defender tuike in Tak and Assedatioune from the said perseuer the said toune and landis of Over Tilligonye with houssis biggingis yairdes pairtes pendicles and pertinentes thair of lyand within the parochin of Tarves be annexatioune and Shrefdome of Abd. for the space of fyw yeires nixt following the terme of Vitsonday 1<sup>m</sup> vi<sup>c</sup> twentie aucht yeires and band and obleist him in caice the bigging of the landis forsaidis then receauit be him should be found var at his removeing thairfra be the sight of Johne Hendersone in Archedlie Thomas Jaffray in Thornerone Thomas Forsythe and George Brandie in Tilligonye to satisfie for the same And that it is of trueth and veritie that the saidis biggingis var sightit be thir persones forsaidis the issue of the saidis Takis and found var and deteriorat nor they vere in the pryce aboue wreittin, At least the saidis biggingis var altogidder tane away Togidder with ane brass of the hall chimney pryce of brass four pundis Item ane timber loft deteriorat and maid vorss be ten merkis nor they vere at the said defender his recept thair of And sicklyk the defender to pey and delyuir to the said Robert Johnestoune the soume of ane hundreth pundis Scottis money And that be reassone the said defender be his Band and Obligatioune obleist him as tennent of the said toune and landis of Over Tilligony in the moneth of Aprill 1<sup>m</sup> vi<sup>c</sup> twentie aucht yeires to hauld his haill guidis yeirlie that pasturit on the saidis landis keepe the tathe thair of within the said toune and to hauld his haill guidis horss nolt and scheipe within the byres and stables of the same in vinter and to vare his haill guiding summer and vinter within the said toune yeirlie during the said space of fyue yeires and failzeing thereof to pey to the said Robert Johnestoune the soume of ane hundreth pundis money forsaid for the transgressioun of the conditiounes forsaid And that it is of veritie that the said defender be himsell & his subtennentes viz umquhill William Forbes fiar of Tillygony break and transgrest the conditiounes forsaid the last of the fyw yeires aboue designit be keiping and haulding his haill guidis horss nolt and scheipe upone the Milne croft of Tilligony aff aff the compleneres landis forsaidis and vairing haill vinter guiding upone the saidis milne landis to the westing of the said perseueris landis aboue exprimit [Decree passed for 40 merks for damage to buildings and £100 of penalty as concluded for.]



## Decree Books: Vol. VI., Illustrative Examples

### Loan. Ticket Payable to Bearer. Prussian Guilders.

(28 April 1637)

The said day anent the actioun and caus persewit at the instance of Isobell Valace in Fetterneir mother to Robert Brebner citiner in Lonndoune and Johne Still her present husband for his entres againes Alexr Gardyne sumtyme in Banchorie . . . . That quhair the defender be his band subscrivit vith his hand of the dait at Elburge the tuentie fourt day of Sepr 1628 yeires band and obleist him to haue peyit to the said Robert Brebner or any in his name haveing the said ticket to schaw all and haill the soume of fiftie Gilderes Spruis money betuixt the dait of the said band and the feast of Mertimes than nixt thaireftir . . . . Lykas the said Robert Brebner be his missive direct to his said mother of the dait the tuentie aucht day of Aprill 1635 yeires gifes hir warrand to suit him be lawe for the same . . . . the said persewer compeirand be Mr Alexr Davidson his pror. producit the said lybellit summonds dewlie execute & indorsat to this day againes the said defendar, and als againes Patrick Watt & Thomas Gordon Merchandes burgesses of Abd. to bear leill and suithfast witnessing in so far as they knew or sould be speirit at them in the said caus anent the valour of ilk gilder & quhat the samen wald extend to in Scottis monie, . . . . THE SHIRREF DEPUT haveing hard sein & considerit . . . . DECERNIT the said defendar to pey & delyvir to the saids persewares the forsaid soume of fyftie gilderis Spruis money extending in Scottis money ilk gilder to nyntein sh. four pennies [There was also a finding of 50/- expenses.]

### Burial Dues and Penalties.

(14 June 1637)

The said day the Shref deput forsaid Decernit the persones under namet in penam contumacie being personallie summondit with certificatioun pro confesso To pey and delyuir to Williame Keithe box maister and collector of the commone guid of the Kirk of Skein the particular soumes of money eftir specifit viz Arthur Forbes in Bodimfauld 40/-<sup>1</sup> for ane buriell Andrew Forbes in Easter Carny 5 merkis for ane buriell Williame Ronaldsone in Lydoche 10 merkis for tuo penalties. Williame Keith in Garlogie £8 for the scool treis and 40/- for Issobell La hir penaltie Andrew Mainye in Auchloche as cautioner for Thomas Fraser 20 merkis. Alexr Forbes in Milnebowy for burielles and penalties 23 merkis

<sup>1</sup> In the original this and the following sums are in words ; but in order to save space they are here inserted in figures.

## Aberdeenshire Sheriff Court :

Margaret Skein in Cragidarge 22 merkis James Smith in Garlogie £3  
William Mainye in Tillvell 40/- Issobell Chapmane in Garlogie 40/-  
Margaret Logie £5 Elspet Chapmane in Auchinclothe 40/- Agnes  
Edvard in Easter Carny 5 merkis 9/- Valter Baith in Hill of Keir 13/4  
Gilbert Smith in Lochheid 13/4 Arthur Farquhar 13/4 Williame  
Cruiffes in Kinmundye 13/4 Elspet Dun in the Kirktoone of Skein 13/4  
Geilles Hall thair als meikill Margaret Baxter in Easter Carnye £4  
Janet Imrie in Auchincloth 40/- Alexander Ritchie elder in Fornat £5  
John Vatt thair 40/- Alexr Ritchie younger thair £5 James Keith in  
Auchincloth 5 merkis Johne Gordoune sumtyme in Crabistoune now in  
Kinmundy for ane buriell 10 merkis . . with 2/- frae ilk ane of them  
for expenssis etc. etc.

### Spuilzie of Cattle, &c.

(17 Novr 1637)

The said day anent the actioun and caus persewit at the instance of Sr Robert Innes of that ilk knight barronet againes James Schand in Latheres John Rhind in Monelie John Sinclair at Boynismilne Alexander Schand in Crichtie Williame Schand in Littertie Arthur Davidstone at the Valk Milne of Plaiding . . . . . [for] the violent and maisterfull spuilzeatione [in the month of August 1633] awaytaking and as yit deteining fra the said complenar and furth of his possessioun of the lands of Dradlen within the barronie of Auquhorsk and Shrefdome of Abirdein of the particular guids and geir under wreittin viz., tua blak oxin ane humbill ane hornit ane broun oxe ane broune skairit ox pryce of the peice tuelff punds tua meares ane thair of blak ane uther broune pryce of the peice auchtein pundes ane foir hors of four yeire old pryce thair of fourtie merkes Item tua brandit humbill kye pryce of the peice tuantie merks Item ane hornit reid kow with ane reid gairit quhyt backit kow pryce of the peice tuelff pundes Item ane black hornit kow pryce thair of tuentie merks Item ane broune hornit kow pryce thair of tuentie merks all the saids kye being with calffes Item ane blak humbill kow with hir follower pryce thair of tuantie pundes Item tua quyacks ane thair of reid ane uther black pryce of the peice ten merkes Item tua bulles ane thair of humbill broune ane uther brandit pryce of the peice ten pundes Item ten houges pryce of the peice tuantie sex shillingis aucht pennies Item sex rammes and vedderes pryce of the peice fiftie thrie shillingis four pennies Item threttie thrie young yowes pryce of the peice sicklyk fiftie thrie shillingis four pennies— [After a narrative that the animals claimed had come into the possession of his Chamberlain in payment of the rent of Alexr Thomsone then in Dradlen, the excrescent profits are thus stated]—Ilk ox ilk day in plowing

## Decree Books: Vol. VI., Illustrative Examples

sex shillingis aucht pennies, Ilk kow ane calff yeirlie pryce of the calff aucht punds and ilk calff ane uther calff ilk uther yeire pryce forsaid and ilk kow in milknes yeirlie tuantie punds Ilk hors in vark hyregang and labour daylie tuantie four shillingis and ilk mear als meikill in vark and hyregang and ilk mear also ane foill pryce of the foill ten punds and ilk foill ane uther foill ilk uther yeire pryce forsaid Item ilk quyack ane calff yeirlie pryce forsaid Item ilk hoig and yew in wooll yeirlie halff ane stain wooll pryce of the stain tuantie merks and in milknes yeirlie ten merkes and also yeirie ilk yew ane lamb pryce of the lamb tuantie shillingis and ilk lamb ilk uther yeire als meikill wooll milk and lamb pryce forsaid Item ilk Ram als meikill wooll pryce forsaid—[After the conclusion for restoration or payment and narrative of the procedure, the Sheriff depute found the defenders liable to restore or pay the prices following being]—Ilk ox tuell punds, Ilk bull ten punds, Ilk kow ten punds, Ilk mear ten punds, the foir hors tuentie punds, Ilk quyack ten merks, Ilk calff tuentie sex shillingis aucht pennies, Ilk hoig tuentie sex shillingis aucht pennies, Ilk ram and wedder ovrheid fiftie shillingis, Ilk yew fiftie shillingis—[The excrescent profits were fixed as follows]—tuell pennies for ilk ane of the said oxen daylie and ilk day in plowing Item for the milknes of kow yeirlie aucht merks, and for ilk kow ane calff yeirlie pryce of the calff tuentie sex shillingis aucht pennies and for the vark hyregang and labour of ilk hors and mear daylie and ilk day thrie shillingis four pennies and for ilk mear and foill everie uther yeire pryce of the foill fourtie shillingis and for the wooll of ilk vedder ram and yew ovrheid yeirlie tua pund weight pryce of the stain ten merks and for ilk yew ane lamb yeirlie pryce of the lamb tuentie shillingis and for the milknes of the saids haill yewes yeirlie fourtie aucht merks—[After giving the reasons, which were merely a narrative of the procedure, the decree concluded with a finding of ten merks of expenses.]

### Bonds of Thirlage.

(9 March 1638)

THE SAID DAY . . . . Alexander Farquharsone eldest lauchfull sone to Robert Farquharsone of Finzeane heretabill proprietar of the Milne of Clinter lyand within the parochin of Birss and Shrefdome of Abirdein Assigney speciallie constitut be Sir Alexander Gordoune of Clunie knight barronet to the Bands of Thirledge particularie under wreiten againes Robert Gardyne of Tilliefroskie Daid Farquharsone of Balfedie and Alexander Gradane of Quhytstaine TUTCHING the persewares lybellit summondes MAKAND MENTIONE that quhair the said Robert Gardyne . . . be his letters obligatores subscryuit with his

## Aberdeenshire Sheriff Court :

hand of the dait at Glencat the fourteint day of Junij 1<sup>m</sup> vi<sup>c</sup> tuentie sex yeires for the caus thairin conteinit band and obleist him for himselff and takand the burding on him for his aires successores or assigneyes heretabill proprietares and possessores of the saidis landes of Tilliquhorskie pendicle and outseat thairof callit Boigheides and pertinentes thairof . . . . . lyand as said is sould be heretablie and perpetuallie thirled astricted and obleist to the said Sir Alexr and his aires and successores thair said Milne of Clinter in all tyme cuming and for himselff [and] taking the burding on him as said is thairby expreslie and perpetuallie thirled astricted and obleist his saidis landes of Tilliquhorskie pendicle thairof forsaid haill toftes croftes and pertinentes of the samen to the said Milne of Clinter in all tyme thaireftir and that the haill cornes quhilk grow thairon or anie pairt thairof the seid being deducit allendarlie sould be grund at the said Milne yeirlie in all tyme thaireftir And that he and his forsaidis sould abstract detein or withhold nain of the saids cornes thairfra and sould pay to the said Sir Alexander Gordoune and his forsaidis and to thair milares in thair name the tuantie peck of all cornes growand thairupon except the seid as said is as the multer deuitie allendarlie for all multur and knaifschip that micht be askit thairfor as the said Band of Thirlege of the dait forsaid and registrat in the buikes of Councell upone the tuantie fyw day of Junij last beires Lyik as David Farquharstone of Balfedie [here are narrated in almost identical terms the Bond of the Laird of Balfedie dated 20 May 1626 and registered in the Books of Council 25 June last, and the Bond of Alexander Gradane of Quhytstaine dated 24 Novr 1634 and registered on the said 25 June last] And albeit it be of veritie that the said Alexander Farquharstone as heretabill proprietar of the said Milne of Clinter and successor to the said Sir Alexander Gordoune thairintill be his Dispositioun and utheres haueving richt thairto as his richtes and infestmentes thairof proportes Lyikas the said Sir Alexander Gordoune be his Letters of Assignatioun of the dait the fourteint day of July 1<sup>m</sup> vi<sup>c</sup> threttie and sex yeires maid and constitut the said persewer his lafull assigney cessionar and donator veluti in rem suam cum dispositione libera in and to the saidis thrie Bandes of Thirledge and haill contentes thairof as the same beires Notvithstanding quhairof the said Robert Gardyne of Tilliquhorskie David Farquharstone of Balfedie and Alexander Gradane of Quhystain refuissis postpones and deferres to grind thair cornes that groues on thair saids lands yeirlie at the said Milne and als thair tennends thairof . . . . . without they be compellit be justice thairto And thairfor the saidis defenderes to heir and sie themselffes decernit be decreit of Court . . . . . To grind thair cornes that sall happin to grow in all tyme cuming upone the saids lands with the pertinentes at the said Milne of



## Decree Books : Vol. VI., Illustrative Examples

Clinter and to pay the tuantie peck of the samen the seid being exceptit to the Complener his aires and successores proprietaries of the said Milne thair Millares in thair names . . . [the defenders did not appear and decree passed in the following terms] Decernes the saidis defenderes thair tennentes cottares and occupiaries of the lands aboue exprest with the pertinentes to grind thair haille cornes that sale happin to grow in all tyme cuming upone the saidis landes with the pertinentes at the said Milne of Clinter and to pay the tuantie peck of the samen the seid being exceptit to the said complenar his aires and successores proprietaries of the said Milne thair millares in thair names cropt and yeir of God 1636 yeires and yeirlie and ilk yeir in tyme cuming conforme to the saidis Bandes of Thirlege, etc., etc.

### Not entering as Cottars. Damages.

(20 July 1638)

The said day the Shref deput forsaid in penam contumaciae Decernit Williame Hay in the Maines of Tolquhone to content and pay to the said persewer Robert Seatoune in Drumbreck the soume of tuantie pundis money for his not enterie to ane cottage at Vitsonday last to haue servit the said complenar at all labour as ane cottar with tua servands quhill Vitsonday next thairefter 1639 with aucht merks for ane stain of lint fourtie shillings for viccarage and fyftein shillings borrowit money, And als Decernit Robert Richie in Newseatt of Tolquhone [to pay] the soume of tuantie pundis money for his not entrie to ane cottage tain be him frae the persewer at Vitsonday 1637 to haue servit him as cottar with tua servands at all labour and service quhill Vitsonday 1638 with tuantie shillingis frae ilk ane of them for expenssis of pley etc. etc.

## Table of Contents of Vol. VII. of Decree Books

1638.  
Decr. 19.     **Registration.** Wm. Logane, lawful son of the late Thomas Logane, sometime in Auchmill *v.* Wm. Gordoune of Braichlie, son and heir of Wm. Gordoune of Braichlie. The Pursuer was assignee to a Bond for 100 merks granted by the deceased John Gordoune of Braichlie, as principal, and James Gordoune, burgess of Abd., as cautioner, dated 24 May, 1621. In signing the Bond the principal debtor designed himself "of Kennerty."
- Rent. Caution to Pay, Plenish, or Remove.** Sir Alexr. Gordoune of Cluny, knight *v.* James Harper in Skaitcraigis, occupier of four oxengait of Buchanstoune in the Parish of Oyne.
1639.  
Jany. 9.     **Abstracted Multures and Upkeep of Mill.** Robert Irving of Fedderet *v.* George Will in Yrnsyd and others, who were thirled to the Mill of Fedderet and bound to "uphauld the water wall and mill biging." Expenses 4/- each.
11.     **Rent, &c. &c.** Alexr. Mill in Beildsyd *v.* Wm. Thom there. The decree was for the "maill of thrie huiks land" and a variety of other things.
- Seed Bear.** Wm. Oge in Kincraigie *v.* James Tailzour in Cultis and others, who were due certain sums for "seid beir." Expenses 20/- each.
- Subscribed Ticket.** John Mill, Tailziour, burgess of Abd. *v.* Charles Chalmer in Kintoir. The debt was £8 with 40/- of penalty.
- Rent.** Mr. Roger Mowat, Advocat in Edinburgh *v.* Nathaniell Heriot in Boddome. The Pursuer produced a Sasine of the lands of Balmuir, dated 27 August, 1634, following upon a Charter granted to him by Sir Wm. Keith of Ludquharne, knight baronet and Alexr. Keith of Balmuir, by virtue of which he claimed the rents for the years 1635-6 and 7. These had however been uplifted by the Defender, who was now ordained to hand them over to the Pursuer with £4 of expenses.
30.     **Supplement. Wrongous Intromission.** Wm. Fraser, younger, in Frasersbrughe *v.* Alexr. Ramsay, sometime in Frasersbrughe then in Roshartie. In a Court of the Regality of Frasersbrughe held on 24 March, 1638, the Defender had admitted that he was wrongly in possession of "ane fedder bed ane bouster tua doune coddish pryce of the haill tuantie punds."
- Feb. 13.     **Refusal to Enter to a Farm. Absolvitor.** Mr. Wm. Lumsden, Advocat in Abd., as Factor and Chamberlain to the Laird of Meldrum *v.* Alexr. Schand in Creichie. The object of the action was to enforce an alleged five years lease of the lands of Auld-toune of Bathelnie, but the Defender denied on oath that there was a concluded bargain.

## Decree Books: Vol. VII., Contents

1639.  
Feb. 21.     **Registration.** George Rickart of Auchnacant *v.* John Forbes of Corss, as eldest son and heir of Bishop Patrick Forbes. By Contract and Agreement, dated 25 May, 1621, between the Bishop and his then eldest son the deceased William Forbes on the one part, and Rickart on the other part, the first parties had in consideration of 10,000 merks sold and bound themselves to convey to and infest Rickart in the lands of Auchnacant in the Parish of Foveran and Barony of Fiddes. This Contract was now ordained to be registered for execution against the Defender as heir to the Bishop.
22.     **Forthcoming.** Patrick Gray, burgess of Abd. *v.* Wm. Wobster lawful son of George Wobster in Fraserburgh and James Sangster, Merchand in Tarves, for his interest. Sangster had granted a Bond to the Pursuer for £45, dated 25 April, 1637, and registered in the Sheriff Court Books 13 July, 1638, on which an arrestment had been used in Wobster's hands.
27.     **Removing.** Alex. Keythe, Portioner of Duffus *v.* Andrew Fraser in Mid Beltie, son of Alexr. Fraser of Durris and occupier of the town and lands of Mid Beltie. Sasine dated 10 Sept., 1638. Notary Alexr. Dune.
15.     **Wrongs Intromission.** John Leith of Balquharne and Mr. Andrew Massie, Minister at Drumblait *v.* Dame Helen Urquhart, widow of Sir James Gordoune of Newtounne of Garrie and wife of James Cheyne of Arnage. By Disposition and Assignment dated 10 May, 1633, the deceased Sir Alexr. Gordoune had made over certain live stock, crop in the corn yard, growing crop and arrears of rent of his lands in Drumblait, Kineedvard and Gamrie to Alexr. Gordoune of Johnsleyis and the said John Leith equally between them. By Translation dated 4 July, 1633, Alexr. Gordoune of Johnsleyis made over his half to the Pursuer Mr. Andrew Massie. The Pursuers now sued for the restoration of, or payment for, a quantity of the grain in the corn yard falling under the Disposition by Sir Alexander, which the widow had taken possession of. The values were fixed by the "Feares" prices, as proved by Extracts from the Sheriff Court Books.
- Forthcoming.** Alexr. Irving sometime in Tassetts then in Auld Abd. *v.* Walter Fraser in Fingask and others, and also David Curroure of Fingask and Cristiane Curroure his wife, for their interest. The narrative bears that the late George Curroure of Fingask bound himself by Letters of Obligation dated 14 July, 1622, to pay and deliver to the late Wm. Norie "sone to umquhill Wm. Norie of Inshdroure his sisters sone" 5000 marks "fyw Witsondays next efter the deceis of umquhill Bessie Curroure mother to the said umquhill Wm. Norie cedent togidder with ane hundrethe marks for ilk yeiris failzie." To this obligation the Pursuer acquired right by Assignment granted by Wm. Norie on 9 Sept., 1634, and after some litigation in the Court of Session, succeeded in establishing his right to recover from Cristiane Curroure, who was the daughter of George Curroure, and from David Curroure, fiar of Balgringo, her husband. The latter was also the debtor of the Pursuer in a sum of 270 marks borrowed on 5 June, 1635. In order to recover these sums the Pursuer had arrested in the hands of the tenants of Fingask, their rents for crops 1636 and 1637, and for so much thereof as was admitted by them he now obtained decree.



## Aberdeenshire Sheriff Court :

1639.

Mar. 8. **Forthcoming.** Patrick Leslie, lait Provost of Abd. v. Margaret Marshall in Abd. and others, and also Wm. Hoge, burgess of Abd., for his interest. Hoge and John Malice, Couper, burgess, had borrowed on 7 March, 1637, from Wm. Erskine, burgess of Abd., 826 marks. To the Bond the Pursuer acquired right by Assignment and arrested in the hands of Hoge's debtors.

10. **Rent.** George Dalgarno in Peithill and Janet Forbes his wife v. Alexr. Fraser of Teachmuir as "Oe and air be progres to umquhill Mr. Michael Fraser sumtyme of Teachmuir his guidsir" and his Tutors and Curators, if any. The rents of that part of the lands and barony of Parok, called Skelmuir were sued for, and the Pursuers had come to be in right to these by virtue of a Contract of Wadset, and as the bargain contained in it, was similar to many entered into at the period in question, the narrative in the Decree may be quoted at length. It was as follows:—"That quhair thair wes ane contract and appoyntment maid & endit betuixt umquhill Mr Michael Fraser of Teachmuir and Margaret Hay his spous on the ane pairt and the umquhill Mr James Forbes of Woodland and Beatrix Hay his spous on the uther pairt Be the quhillk the said Mr. Michael and Margaret than heretabill propriatars of the lands and barronie of Parok and pertinentis thair of callit Skelmuir lyand within the parochine of Deir and Shrefdome of Abd wadset and impignorat to the said Mr James Forbes and Beatrix Hay his spous with him in conjunct fie and to thair airs and assigneys all and hailt the said toune and lands of Skelmoor houssis biggingis yards and pertinent thair off lyand as said is undir reversione of all and hailt the soume of thrie thousand marks usuall Scotis monie as is contenit in the contract be arand the Bak Tak of the saidis lands eftir specifeit of the dait the first day of August the yeir of God 1<sup>m</sup> vic and four yeirs at mair lenthe is contenit. For the quhillk Tack of the saidis lands of Skelmoor during the not redemptione of the samen the said Mr Michael Fraser band and obleist him his airs and assigneys to pay and delyuer yeirly to the said Mr James Forbes and Beatrix Hay the langest leivar of them tua and thair airs and assigneys the sowme of tua hundrethe pundis monie foirsaid at tua termes in the yeir Witsunday and Mertimes in winter be equall portions and in caice of not payement of the samen the sowme of threttie pundis monie foirsaid in name of failzie." After narrating the assignments of the rents by Beatrix Hay to her daughter Janet Forbes the narrative proceeded "Neuertheless Alexr Fraser now of Teachmuir sone and air to umquhill Alexr Fraser his father quha wes sone and air to the said umquhill Mr Michael and so be progres air to him and obleist thairby in payement of the said tak dewtie to the complenar quhair of the said Alexr Fraser now of Teachmuir hes nether maid nor will mak payement to the complenaris of the said soume of tua hundrethe pundis and threttie pundis off liquidat expenssis yeirle" [for the years 1634 to 1638 inclusive] "without he be compellit and thairfor to heir and sie himself decernit" [as in other examples]. There were produced on behalf of the Pursuer (1) the Contract of Wadset containing the Bakset before referred to, (2) two Assignations by Beatrix Hay or Forbes to her daughter, dated 9 April, 1630, and 5 June, 1636, (3) Instrument of Sasine of the lands in favour of the said Beatrix Hay or Forbes, (4) Instrument of Sasine in favour of Alexander Fraser, the Defender's father, dated 22 May, 1620, following on a Precept of Clare Constat in his favour as heir to Mr. Michael Fraser, and (5) Instrument of Sasine in favour of the Defender, dated 6 April, 1637, also proceeding on a Precept of Clare Constat.



## Decree Books : Vol. VII., Contents

1639.

Mar. 29. **Exhibition and Delivery of Title Deeds.** Robert Keithe, Wreatter to His /Ma/ Signet, Thomas Cargill, Gentilman at London, and Thomas Cushnie, Glass-invrict, burgess of Abd. v. Mr. Thomas Gray, Bailzie, and Mr. Alexr. Davidsons, Advocat, burgesses of Abd., and Andrew Hunter of Grandhome, for his interest. The Pursuers were all in right of Apprisings of the lands of Grandhome, Denstone, Corthie-buck and Perslie, with salmon fishing on the Don, &c., and were desirous of having the title deeds of the lands produced and given up, which was done by Mr. Davidsons on behalf of himself and Mr. Gray. The writs were the following :—(1) Charter of Grandhome and Perslie granted by Alexr. Gordoune of Abirzeldie to his son George Gordoune, dated at Ballogie, 15 January, 1582, with Sasine on the back, dated 6 March thereafter. Notary Alexr. Youngson. (2) Precept of Clare Constat by the said Alexr. Gordoune to Thomas Gordoune, thereafter of Grandhome, as heir to his brother, the said George Gordoune, dated 28 February, 1594. (3) Sasine dated 30 April, 1596. Notary Alexr. Middiltoune. (4) Charter of Novodamus by Wm. Gordoune of Abirzeldie to the said Thomas Gordoune, his brother, dated 11 April, 1616. (5) Sasine dated 12 April, 1616. Notary John Hunter. (6) Sasine of the Laird of Abirzeldie's lands of Abirzeldie, Eastoune, Grandhome, Auchmull and Crabstoune. [No date given.] (7) Contract between Thomas Gordoune and Andrew Hunter for the sale of the lands. (8) Thomas Gordoune's Discharge of Reversion. (9) Disposition by Thomas Gordoune to Andrew Hunter. (10) Sasine thereon. (11) The Charter by the College to Hunter of the lands of Denstone. (12) Instrument of Resignation on which it proceeded. (13) Sasine following on it. (14) Decree by the Earl of Buchan against the House of Abirzeldie. (15) Decree of Reduction by the Earl and Dame Marie Douglas against Abirzeldie and others of the lands of Grandhome and Perslie. (16) Contract between the Earl and his Lady and Andrew Hunter. (17) Charter to Hunter to be held of my Lord of Buchan. (18) Sasine thereon. (19) Contract between the Earl and Hunter, relating to a Disposition of the lands to be held of the Crown, containing Procuratory of Resignation. (20) Instrument of Resignation following thereon. (21) Charter by the Earl. (22) Crown Charter under the Great Seal. (23) "The half Seal following thairon." (24) Sasine thereon. (25) The first Feu Charter of the lands of Denstone, Carnefield, Dilspro and Ailhous croft, granted by Mr. Robert Erskine, Dean of the Cathedrall Kirk of Abd., with consent of the Bishop and Chapter, in favor of Andrew Hervie of Boyndis, dated 8 September, 1543. (26) Precept of Sasine by the Dean. (27) Sasine, dated 10 September, 1543. Notaries David Makiesone and David Hervie. (28) Charter of Confirmation under the Great Seal of Queen Marie, dated 9 December, 1543. (29) Precept of Clare Constat by the College of Auld Abd., as in place of the Dean in favor of Andrew Hervie, as heir to Andrew Hervie, his guidsir, dated 14 August, 1583. (30) Sasine dated 15 August, 1583. Notary Hew Hervie. (31) Charter of Alienation by Hervie to Wm. Allan, dated 28 February, 1602. (32) Confirmation by the College, dated 4 October, 1602. (33) Charter of Alienation by Allan to the said Thomas Gordoune, dated 29 July, 1604. (34) Sasine dated [?] 26 July, 1604. Notary Mr. Andrew Clerk. (35) Confirmation by the College, dated 10 December, 1605. (36) New Charter of the "few ferme," by the College, with consent of Bishop and Chapter, in favor of Thomas Gordoune proceeding upon his Resignation, dated 10 March, 1613. (37) Sasine thereon dated 30 April, 1613. Notary George Barrone. (38) Tack of the Teind Sheaves of the whole lands of Grandhome, Denstone, &c., granted by the College to the said Thomas Gordoune, during the lifetime of Mr. David Rait and five years thereafter.

## Aberdeenshire Sheriff Court :

1639.

- Mar. 22. **Forthcoming.** Wm. Logane in Woodend of Inchemarloche *v.* Alexr. Keith, Portioner of Duffes, and Simeon Fraser of Bandar for his interest. The arrestment in Keith's hands was founded on (1) Bond by Fraser as principal, and George Gordoune in Drumgask as cautioner, in favor of the Pursuer for £80, dated 18 July, 1635, and (2) Bond by Fraser and Margaret Fraser, his wife, in favor of the Pursuer for 80 marks 6/8, dated 12 June, 1633, both of which were recorded in the Sheriff Court Books on 13 April, 1638.
- July 3.<sup>1</sup> **Removing.** George Gordoune, heritable proprietor of the lands *v.* George Gordoune in Auld Nothe. Sasine dated 4 June, 1638. Notary James Andersone.
5. **Removing.** Mr. Robert Marteine, "wadseter" of the lands *v.* Wm. Hantoune in Clerkhill in the parish of Petterheid. Sasine dated 16 Novr., 1638. Notary Patrick Mill.
17. **Removing.** Capitane James Forbes of Foulis, heritable proprietor of the lands *v.* Duncan Glennie and John Glennie in Wester Foulis in the parish of Lochill. Date of Sasine left blank.
24. **Supplement. Rent.** Walter Barclay of Tollie *v.* Thomas Kempt, sometime in Siggat, then in Smallburne, who had been found liable to pay the rent and duties of a plough of land of Siggat for crop and year 1637 and preceding years, in a Court of the lands and Barony of Tollie, held on 30 June, 1638.
- Supplement. Vicarage, Damages, &c.** Mr. Henry Ross, Minister at Raynie *v.* Nicoll Davie in Muirend of Raynie. An Act of Court of the Lordship of Huntlie dated 20 December, 1638, was given effect to, by which the Defender had been ordained to pay (1) a balance of his "Wicarage" for 1637 and 1638, (2) "Fyw pund for dinging" the minister's servant man, and 10 pecks "quhyt aitis" at £4 per boll and (3) "tua firlotis calf meill" at £4 per boll.
- A Musket.** Wm. Jack, burgess of Abd. *v.* James Ramsay in Cassiend. . This decree was for 10 marks for "ane musket coft fra the persewar."
31. **Minister's Stipend.** Mr. Andrew Abircrombie, Minister at Fintray *v.* Wm. Seatoune of Disblair and Mr. Wm. Chalmer, portioner of Wester Disblair. The Stipend had been modified by decree of the Court of Session, dated 25 July, 1636, but both Defenders had been failing to pay. The Sheriff Court Fiars for 1636, 1637 and 1638 were used to fix the grain values. Expenses 30/- each.
- The Common Good and Burial Dues of Fintray.** James Chalmer and Robert Cruikschanck, Collectors to the Kirk Sessione of Fintra *v.* Wm. Seatoune of Disblair. The Defender was found liable to pay to the Pursuers "Aucht punds four schillingis monie of comon guid restand be him to the said Kirk and als ten marks monie as cautioner and full debtor for the buriall of umquhill Seatoune his sister conforme to ane Act of Sessione of the said Kirk of Fintray" dated 17 March, 1639.

<sup>1</sup> The entire cessation of entries for three months at this point, which occurs both in this volume and in the corresponding volume of Interlocutory Procedure, is abundantly accounted for by the occupation of Aberdeen by the Covenanting and Royalist forces in rapid succession.

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1639.

July 31.

**Rent.** Mr. Robert Burnet, Advocat, heritable proprietor of the lands, and James Burnet of Craigmyll, his factor *v.* Robert Merse in Endovie, Wm. Merse there, Alexr. Garioche there and Alexr. Burnet of Kebatie. The three Defenders first named were liable in rent for portions of Endovie, while Alexr. Burnet was liable for the occupation by his late father Alexr. Burnet and himself of Kirktoone of Forbes, for crops 1635, '6, '7 and '8. Wm. Merse got a deduction for some grain delivered to Mr. Adam Barclay, Minister at Alfuird, at the Factor's request. Burnet got a continuation to state a defence.

**Removing.** Beatrix Hay, widow of Mr. James Forbes of Knapernay, liferentrix of the lands, and George Dalgarno in Peithill, her Assignee *v.* Alexander Charles and John Charles in Skelmoor. Sasine dated 9 August, 1604. Notary George Barroune. Assignment in favour of Dalgarno dated 5 June, 1636.

**Removing.** Mr. Alexr. Jaffray of Kingiswalls, heritable proprietor of the lands *v.* Sir George Johnstoun, knight baronet, occupier of Ardeharell and Easthill of Crimond in the Parish of Monkegie. Sasine dated 25 and 26 January, 1636. Notary Alexr. Thomsons.

24. **Spuilzie.** John Ligertwood in Ardtanies and a number of others *v.* Sir George Johnstoun, Dame Elizabeth Forbes, his wife, their sons, servants and cottars. No explanation is given, but it is obvious that there had been a raid in June or July (whether of 1638 or 1639 is not clear) upon the Pursuers and that their grain, oxen and money, where obtainable, had been taken from them. One of the sons, John Johnstoun, appeared and got a continuation for his oath. There was decree against all the others.

Novr. 3. **Removing.**<sup>1</sup> Elizabeth Annand, liferentrix of the lands, and Thomas Turing, her husband, for his interest *v.* Elspet Forbes, widow of Alexr. Tillidaff, sometime in Moistoun, in the Parish of Logiebuchan. Sasine dated 12 October, 1619. Notary John Hunter.

8. **Money Debt.** James Crystie, burgess of Abd. *v.* Wm. Massie in Balblair. This was a decree for 11 marks, the balance of a debt of 40 marks. Expenses 30/-.

Decr. 11. **Rent.** Wm. Chalmer, Wreatter to His /Ma/ Signet, Donator to the "eschet and lyfrent of John Forbes of Gask of the lands" aftermentioned *v.* John Abernethie, sometime in Fintray, then at the Mill of Creichie, Wm. Schand, sometime in Littertie, and then at Kinminitie, and David Gordoune in Grein of Allathin. Abernethy had been occupant of a plough of Nether Fintray, Schand of Littertie and Gordon of Grein of Allathin, the rents of which were claimed. The debts in respect of which Forbes of Gask had been put to the horn were (1) 1790 merks due to John Forbes, fourth son of Abraham Forbes of Blaktoun and (2) 1000 merks due to John Clerk of [?] Tollgay of Touche. The productions were Decree of General Declarator, dated 11 Feby., 1632. Sasine of the lands of Allathin, dated 24 March, 1614. Notary Wm. Ogstoun. Sasine of the lands of Fintra and Collipot, dated 9 March, 1632. Notary Mr. James Skeine and Extract of the Fiars prices applying to crops from 1628 to 1636. Expenses 40/- each.

1. This decree will be found entered in the original after the decrees of March, 1640.

## Aberdeenshire Sheriff Court:

1639.  
Decr. 11.     **Rent.** Wm. Dalgarno of that Ilk *v.* Arthur Smyth in Auchnagorth, Cristian Jois there, Gilbert Dalgarno in Old Garnestoun and Christiane Udny, widow of Duncan Forbes of Byth. The last named Defender had the liferent of the lands of Auchnagorth and Gullie, but had assigned the rents of Auchnagorth and Auld Garnestoun to the Pursuer, for payment and relief to him of certain debts, which he had paid, and obligations which he had undertaken, on behalf of Patrick Dalgarno, who was a son of Mrs. Forbes.
20.     **Registration.** Janet and Margaret Chalmer, children and co-heirs of Robert Chalmer, burgess of Abdl., with Mr. Hew Irwing of Beildsyd, husband of Janet Chalmer, and Alexr. Chalmer of Drimmies, curator to Margaret Chalmer, for their interest *v.* (1) David Melvill, burgess of Abdl., as principal, and Patrick Jack, elder, Litster, burgess of Abdl., his cautioner, as debtors under a Bond for 500 marks, dated 28 November, 1628; (2) Gilbert Collinsone, burgess of Abdl., under a Bond for 300 marks, dated 4 June, 1629; (3) John Carny, burgess of Abdl., as cautioner for Robert Innes, Skinner, burgess, under a Bond for 50 marks, dated 27 November, 1629; (4) Wm. Murcur, Officiar and Thomas Barclay, Tailzior, his cautioner, under a Bond for 50 marks, dated 26 June, 1634; (5) Robert Tailzior, Meassone in Abdl., under a Bond for 20 marks, dated 12 February, 1636; (6) Andrew Torrie in Auld Abdl., as cautioner for Nicoll Torrie there, under a Bond for £20, dated 2 July, 1638; (7) John Watson in Crabstounne, under a Bond for £80, dated 2 July, 1631; (8) John Jamesone in Wagley, under Bond for 100 marks, dated 11 June, 1631; (9) John Simsone at the Milne of Sklattie, under Bond for 25 marks, dated 12 December, 1628; (10) John Tarves, Laxfisher, under Bond for 50 marks, dated 1 June, 1632; (11) Robert Blinschell in Auld Abdl., under Bond for 200 marks, dated 12 December, 1628; (12) Thomas Lumsden, burgess of Abdl., as cautioner for Henry Cristall, burgess there, under Bond for 200 marks, dated 26 May, 1630. The whole of these Bonds were registered *ad longum* in the decree, for execution at the instance of the Pursuers as heirs to their father, to whom the Bonds were granted. The conclusions of the summons in this case (as in other cases of the same kind) were that the various obligations granted by the Defenders should be "decernit to be insert and registrat in our Court buiks at the instance of the said persewaris as co-heiris to thair said umquhill father and at the instance of the said Mr Hew husband to the said Janet and Alexr Chalmer Curator to the said Margaret and the lyk executione direct agains the haill persones aboue wreittin for peyment of the haill fornamed sowmes of principall expenssis and annuelrentis sen the feast of Witsunday 1<sup>m</sup> vic threttie sevin yeiris alyk as nicht pas at the instance of the said umquhill Robert Chalmer giw he war on lyff, conforme to the tennour of the seuerall bands aboue wreittin And that becaus the saids compleneris ar co-heirs to the said defunct and thairby hes undonbtit richt to the saids sowmes and that the saids bandis ar ordanit to be registrat in our saids buiks. Thairfoir the saids defendaris to heir and sie the premissis decernit in manner forsaid for the reassones and caussis foir-saidis or then to alledg ane reassonabill caus quhy the samen suld not be done with certificatioune as effeirs as in the said persewaris lybellit summonds at mair lenthe is contenit," &c., &c.



## Decree Books : Vol. VII., Contents

1639.

Decr. 20.

**Registration.** The Pursuers as in the preceding case *v.* (1) Alexr. Burnet of Cluny, principal, and Thomas Paip, burgess, cautioner, 1000 marks, (2) Patrick Leslie in Legatidsen 300 marks, (3) John Pantoune in Kingseat as principal and Alexr. Pantoune, burgess, as cautioner, 500 marks, (4) John Gordoune of Auchleuchries as principal and George Gordoune of Nethermuir as cautioner £1000, (5) James Blakhall and Wm. Blakhall, burgesses, as principals and Mr. Thomas Blakhall and Alexr. Black, younger, burgesses, as cautioners, 1000 marks, (6) the said Alexr. Black, younger, as principal and Alexr. Black, elder, and the said James Blakhall as cautioners 500 marks, (7) the said Alexr. Black, younger, 200 marks, (8) John Kennedy of Kermuck as principal and Sir Wm. Forbes of Craigivar as cautioner 1000 marks, (9) Robert Forbes of Craigie as principal and Robert Forbes, Baxter, burgess, and Thomas Barclay, Tailzior, burgess, as cautioners 100 marks, (10) Andrew Meldrum, Litster, burgess, as principal and Andrew Stewin, burgess, as cautioner 200 marks, (11) Alexr. Cheyn, Fiar of Thorne-toune, as principal and Mr. George Seatoun of Orchartoune as cautioner £100, (12) Alexr. Baine in Maynes of Eacht as principal and Robert Milne, burgess of Abd., as cautioner 100 marks, (13) James Dovie in Corthiemuir 100 marks, (14) David Hervie in Murthill 50 marks, (15) John Cushnie at the Milne of Carnbrogie as cautioner for Patrick Cushnie, burgess of Abd., 500 marks, (16) David Yuill in Newtoune of Murthill £22, (17) Gilbert Scrogie in Kingiswalls £20, (18) Andrew Torrie in Auld Abd. as principal and George King there as cautioner 100 marks, (19) Wm. Chalmer in Wester Fintray as principal and George Thomsone there as cautioner 100 marks, (20) Alexr. Knowis at the Milne of Murthill as principal and Alexr. Milne in Beildsyd as cautioner 100 marks, (21) the said Alexr. Knowis as cautioner for Robert Knowis at the Milne of 50 marks, (22) the said Alexr. Knowis as cautioner for the said Robert Knowis 50 marks, (23) Wm. Ray in Woodheid of Logie as principal and John Ray in Logie-fintray as cautioner 20 marks, (24) the said Wm. Ray and Robert Cheyne in Auld Gowell his cautioner 100 marks, (25) John Couper in Newburghe as principal and Wm. Forbes there as cautioner 100 marks, (26) the said Wm. Forbes as principal and the said John Couper as cautioner 40 marks, (27) Alexr. Tellie in Auld Abd. as principal and George Chalmer, Flesher there, as cautioner 100 marks, (28) the said George Chalmer as principal and the said Alexr. Tellie as cautioner 50 marks.

1640.

Jany. 8.

**Loan. Ticket.** Alexr. Hendrie, burgess of Abd. *v.* Alexr. Gordoune of Kirkhill. The Defender was due £50 16/8 conform to Ticket, dated 15 February, 1637. Expenses 40/-.

15. **Registration.** John Forbes, as heir of Robert Forbes in Tillioche *v.* Alexr. Gordoune in Tulloche as principal and Wm. Touche in Sonhony as cautioner. A Bond for 100 marks, dated at Sonhony on 28 May, 1638, was ordained to be registered.

**Removing.** Sir Alexr. Irving of Drum, knight, heritable proprietor of the lands, and George Dalgarno in Peithill, Taxman thereof *v.* Janet Melvill, widow of John Thomsone, occupier of Denmilne in the parish of Kinkell. Dalgarno had apparently a life tenancy.

## Aberdeenshire Sheriff Court :

1640.

Jany. 24. **Oxen.** James Forbes, servitor to Arthur Forbes of Eacht *v.* Alexr. Leithe in Kinarnie as principal and Mr. Hew Irving of Beildsyid as cautioner. The sum of 52 marks, being the price of "twa pleuche oxin" purchased in October, 1639, was decerned for. Expenses 20/-.

**Balance Price of Cattle.** Wm. Andersone in Standanstaines *v.* Lourance Ronaldsone in Waltoune. 13 marks with 20/- expenses.

31. **Renunciation.** Robert Chalmer in Waster Fintray *v.* Sir Wm. Forbes of Craigivar. The Pursuer had a five years' lease of nine oxengait of land in Haltoune of Fintray from Whitsunday, 1635, and being desirous to be clear of the place and liability for the rent after Whitsunday, 1640, produced in Court by way of this action a formal probative renunciation, which is embodied in the decree.

Feby. 10. **Rent.<sup>1</sup> Demolition of Buildings.** Mr. Alexander Reid, burgess of Abd. *v.* George Connan in Nether Kildrummy. The rents of Newtoune of Auchindoir for 1638 and 1639 were discerned for, with £4 "for demolishing and making worss of the houssis and biggingis of the said occupatione."

12. **Wrongous Intromission. Sheep.** Mr. Roger Mowat, Advocat in Edinburgh *v.* Wm. Mowat in Glashauche, Alexr. Brabner in Boigis of Dorlatheris and Thomas Wilsone in Powglassie. The Defenders were ordained to restore 40 widders under the wool, which the Pursuer and his chamberlain, Patrick Stewart, had received from his tenants, and which had been "brunt and markit be him in his awin name," or to pay five marks for each widder. The sheep were said to have been taken from the lands of Balquhollie.

14. **Registration.** Wm. Ross in Cuthilburne, son of Patrick Ross in Cromar, and heir of the late Wm. Ross, servitor to Sir Alexr. Irving of Drum *v.* Robert Irving of Moncoffer. The indebtedness here was 500 marks of principal, contained in a bond, dated 8 December, 1630.

**Wrongous Intromissions. Rents.** Alexander Keithe, Portioner of Duffes *v.* John Irving of Brucklaw. The Defender had, in consideration of 14,000 marks, wadset to the Pursuer by Contract, dated 21 June, 1636, the lands after-mentioned, with right to the rents, notwithstanding of which he himself had, in breach of bargain, collected them. The lands were four ploughs of Maynes of Crimond, part of Tillikeirro, a plough of Carnknowsie, a plough of Maynes of Crimond called the Boig, the Milne of Maynes of Crimond called Sternaphin, all situated in the Parishes of Crimond and Lonmay. The title of the Defender Irving seemed to have been one of wadset also, which had come to him, as heir of his father, James Irving, to whom the lands had been pledged by the late Francis, Earl of Erroll. The prices of grain were fixed by an Extract of the Feares Court taken from the Sheriff Court Books, crops 1637, 1638.

1. This decree will be found entered in the original after the decrees of 31st March.

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1640.

March 4. **Rent.** Janet Dickie, widow of John Hill in Kintoir and Wm. Irving in Hirne, now her husband *v.* Margaret Mackie, widow of Walter Hill in Kintoir and Basteau [Sebastian] Hill, her husband. The female Pursuer was liferentrix of five different pieces of ground and houses in Kintoir, for the rents of which, amounting to £100 per annum for the years 1635 to 1639 both inclusive, the Defenders were liable. Five different Sasines were produced, and exact descriptions of the different "ruids" were embodied in the decree.

**Registration.** Janet Chalmer and Margaret Chalmer, daughters and co-heirs of Robert Chalmer [as in former decrees] *v.* Alexr. Erskayne of Barnes as principal, and Thomas Erskayne of Balhaggardie and Robert Farquharsone of Invercauld as cautioners. The Bond, in this case, was for 500 marks, and dated 20 November, 1632.

13. **Sale of Crop. Action for Short Delivery and Damages. Absolvitor.** Alexr. Johnstoune at the Meikill Milne of Essilmont *v.* George Bruce, Saidler, burgess of Abd. The case of the Pursuer was, that the whole grain crop of 1638, standing in the corn yard of Meikill Milne of Essilmont, was, in February, 1639, sold to him by the Defender at certain prices per boll, "as the same sould have been cassin be Patrik Ligertwood in Bourhillis." Instead of casting the corn, which the parties found to be "fashous in respect of the ewill wather," the Pursuer alleged that they guessed the quantity, a slump price of 954 merks 10/- being also agreed to, upon the footing that the guess was approximately correct. It was farther alleged that the Defender promised that the Pursuer should not be a loser by the transaction. According to the statement in the summons the Pursuer lost heavily, and sued for the loss and for damages. The Defender denied the promise on oath, and was assolizied.
18. **Exhibition and Delivery.** (Incomplete.) Jean Ross, daughter and apparent heir of Findlay Ross at the Brigend of Kinermitt and John Wallace in Colp, her husband *v.* Andrew Horne at the Brigend of Kinermitt. The title deeds of Findlay Ross' croft at the Brigend of Kinermitt were sought for.
22. **Removing.** Mary Arbuthnott, widow of Alexr. Hay of Logitarrie and liferentrix of the lands *v.* Isobel Rattray, widow of Wm. Hay, sometime in Nathertoun of Crimmondgorth, still occupied by her. Sasine dated 7 June. 1619, Notary Wm. Ogstoun.
25. **Removing.** Mr. James Forbes of Haughtoune *v.* George Touche in Badivin, John Gillaspie there and John Merschell in Fermtoun of Pulflug. Sasine dated 1 June, 1630. Notary Wm. Forbes.
27. **Demolishing Farm Buildings.** Patrick Leithe of Quhythauche with consent of Mr. Patrick Andersone of Law and George Andersoune of Milntoune *v.* Alexr. Leith in New Leslie, John Proctor in Duncanstoune and John Malcolm in Courttestoune. Sasine of Courttestoune, dated 17 July, 1619, Notary Wm. Forbes. Sasine of Johnstoune, &c., dated 1 September, 1614. Notary Alexr. Lillie. Expenses 40/- each.

## Aberdeenshire Sheriff Court :

1640.

- Mar. 31. **Interest on Loan. Rights of Widow and Executor.** Jean Scot, widow of John Gordoun, sometime of Hiltoun, fiar of Buckie *v.* John Donaldson of Hiltoun. When Donaldson borrowed from John Gordoun of Hiltoun the Pursuer's husband, on 30 May, 1638, the sum of 20,000 merks (to enable him presumably to purchase Hiltoun) both Beatrix Urquhart wife of John Gordoun, the elder, of Buckie and Jean Scot, wife of John Gordoun, the younger, Fiar of Buckie, renounced their rights of conjunct fee and liferent in the Barony of Hiltoun and Kinharrochie. For the security of these ladies it was agreed that, if John Gordoun of Buckie should predecease his son and be survived by his wife, Beatrix Urquhart, the latter should have the interest of the 20,000 merks. If on the other hand, John Gordoun, the younger, should predecease his father, then and in that case Donaldson should pay the interest to his wife, Jean Scot, should she survive her husband. According to the narrative John Gordoun, the younger, died in November, 1638, while his father was yet alive, and in possession of the lands of Buckie. The dispute in the action was really about the half-year's interest from Martinmas 1638 to Whitsunday 1639, which the Pursuer claimed, but which, according to the Defender fell into executry, for the reason that John Gordoun's death took place after Martinmas. Eventually decree was pronounced for interest from and after Whitsunday 1639, the Pursuer reserving her right to sue *de novo* for the interest for the half-year in dispute.
- June 12. **Removing.** Thomas Crombie of Kemnay, Robert Keith of Cowie and George Mengzies, burgess of Abd., as heritable proprietor of the lands *v.* Alexr. Simmer [or Summer] in Denstoun, in the Parish of Sanct Machar and Katherine Thomsone there. Particulars of Sasine left blank.
17. **Removing.** Andrew Phynn timer, Bailzie of Peitterheid, heritable proprietor of the lands *v.* George Cardno in Maynes of Crimond. The particular land from which the Defender was ordained to remove was called "the Boig." Sasine dated 20 December, 1638. Notary Patrick Milne.
26. **Removing.** John Hay of Cremonmogait, heritable proprietor of the lands *v.* John Hay in Rothnachie and other occupiers there. Sasine dated 28 May, 1619, Notary Wm. Ogstoun.
- July 24. **Removing.** Alexr. Andersone of Tillikeirro, heritable proprietor of the lands *v.* Wm. Andersone in Standanstaines of Dyce. Sasine dated 20 June, 1633. Notary Mr. John Chalmer.
31. **Removing.** Alexr. Gray in Torterstoun *v.* Wm. Hay there. Hay, on 9 August, 1639, made over his crop and farm stocking and renounced his possession in favor of Wm. Keith in Collilaw and David Robertsone, Chamberlains to William, Earl Merschall, who disposed and assigned the same to the Pursuer by Translation, dated 17 March, 1640.
- Rents.** Mr. Robert Burnet, Advocat, heritable proprietor of the lands, and James Burnet of Craigmyle, his brother and Factor *v.* Wm. Layng at the Milne of Barflet, Thomas Milne in Scotismilne, Mr. Henry Ross, Minister at Rainy, and others.



## Decree Books : Vol. VII., Contents

1640.

July 31. **Removing.** John, Earl of Kinghorne and Glames, heritable proprietor of the lands *v.* George Gardyne in Hoipishill, Patrick Milne in Dubfuird and Wm. Watson there; all in the Parish of Belhelvie. Sasine dated 6 November, 1617. Notary Wm. Gray.

**Exhibition and Delivery.** Mr. Robert Farquhar of Mownie, Bailzie Burgess of Abd. *v.* Patrick Rankin, servitor to Mr. James Baird, Advocat, and Mr. Wm. Chalmer, Portioner of Wester Disblair for his interest. The Pursuer claimed to be in right of that part of Disblair and Wester Fintray which had belonged to Mr. Wm. Chalmer, and in proof of title, produced Decree of Apprising, dated 27 May, 1635, and Sasine, dated 28 February, 1636. Notary Robert Merser. The writs, which were sought from the Defender, who was stated to be at the date of the action resident in Abd., and which were actually delivered up "in judgment," were the following :—(1) Charter under the Great Seal, confirming two charters engrossed therein, viz., (a) Charter by John, Abbot of Lundores, with consent of Dean and Chapter to David Chalmer and Elizabeth Chalmer, his wife, of 8 oxengait of Wester Fintray, etc., dated 8 April, 1557; (b) Feu Charter by Patrick, Commendator of Lundores, with consent of Dean and Chapter confirming a Charter therein engrossed, by Andrew Hervie of Boyndis to Mr. Wm. Chalmer, brother german of John Chalmer of Ballbithan of parts of Wester Disblair, dated 5 November, 1583; (2) Sasine of Mr. Wm. Chalmer, Portioner of Wester Disblair (the Defender) proceeding upon Precept from Chancery and service as heir of Mr. Wm. Chalmer, his father, dated 30 June, 1598. Notary Mr. Wm. Anderson, Sheriff Clerk of Abd.; (3) Copy of a Response from the Books of Exchequer referring to the payment of feuduty, dated 12 June, 1598, and (4) Equies under the hand of the Clerk Register, showing payment of feuduty by Mr. Wm. Chalmer, one dated 1 July, 1631, and the other dated 31 July, 1635.

29. **Removing.** Dame Marie Erskeyne, Lady Merschall, liferentrix of the lands *v.* (Out of Mr. George Leslie at Birsackmilne and other tenants of Tillibin, Drumnaheth, Hart-hillis, Kintoir, Hill of Keir and Birsackmiln in the parishes of Skene, Kintoir and Kinnellar. Sasine dated 25 and 26 January, 1627. Notaries Patrick Austean and John Leslie. Decree passed at this court against Mr. George Leslie, who was ordained to remove from Tartowie and Birsackmiln.

Octr. 17. Dame Marie Erskeyne, Lady Merschall *v.* the tenants of Tillibin, Drumnaheth, &c., for whom defences had been lodged but afterwards passed from.

**Sale of Oats. Decree Arbitral. Deterioration of Buildings. Barlaymen.** Wm. Innes of Tibbertie *v.* Andrew Sellar, sometime in Belscamphie. The Pursuer had sold to the Defender a quantity of oats, of which the price had been fixed by the oversmen under a written submission, but had not been paid. A sum due for deterioration of buildings as settled by "Barlaymen" was also decreed for.

**Removing.** Dame Marie Erskeyne, Lady Merschall *v.* John Mackie at the Mid Milne of Kintoir.

1 A Court of neighbours acting as Assessors or Referees.

## Aberdeenshire Sheriff Court :

1640.  
Novr. 25.     **Spuilzie.** Andrew Birny, burgess of Abd. v. Alexr. Irving of Lenturk. The subjects of the spuilzie were four oxen and a naig. The oxen were described as "tua black ane scaikit ane uther tagat ane humbill and the rest hornit of fyve or sex yeires or thairby." The naig was "beybroune." The wrong had been done so far back as August, 1635, and the place from which the animals had been taken was Fowlis Mowat. Decree passed for restoration, or payment of £20 for each ox and 40 merks for the naig "with tuentie pennies for the excrescent profeittis of ilk ox daylie and thrie schilling four pennies for the excrescent profeittis of the naige daylie and ilk day from the last day of August exclusive in the yeir of God 1<sup>m</sup> vic threttie fyve yeirs to the second day of Junij 1<sup>m</sup> vic threttie sex yeirs exclusive quhilk is the dait of the persewars lybellit sumonds." Expenses £5.
11.     **Dot and Tocher.** George Seatoune of Carnbrogie v. John Seatoune of Auch-  
(Out of orthies. The Defender was ordained to pay to the Pursuer 6000 merks, which he had  
date.) received in 1632 from Francis Ogilvie of New Grang for behoof of the Pursuer, as his dot and tocher with Isobel Ogilvie, his wife, and daughter of Francis Ogilvie. Expenses 40/-.
- Removing.** Mr. Alexr. Reid, burgess of Abd., heritable proprietor of the lands of Nether Kildrimy called the Crofts, Latchlandis and Preistisriges and liferenter of Invernettie v. John Brabner in Nether Kildrimy, Alexr. Malcolm there and Robert Watsone in Invernettie. Sasine of the Kildrimy lands dated 9 November, 1600. Notary Mr. Robert Reid. Liferent lease of Invernettie, subscribed by the late John, Earl of Mar and by John, present Earl of Mar, dated 11 August, 1630.
- Decr. 4.     **Rent. Escheat.** Robert Irving of Fedderet, Donator to the escheit and liferent of Mr. Alexr. Irving of Hiltoune v. Mr. Robert Jamesone in Litill Gowill. The rent of crop 1638 was sued for, and the highest prices of victual of that year which had previously been protested for, were liquidated by the evidence of three witnesses.
1641.  
Jany. 8.     **Rent. Caution to Pay, Plenish, or Remove.** Mr. Alexr. Jaffray of Kingis-wallis, lait Provost of Abd. v. Normand Leslie in Auld Flinder and Richard Gordoune in New Flinder. Sasine dated 10 March, 1637. Notary Wm. Simsone. Expenses £3.
29.     **Removing.** Alexr. Keithe, Portioner of Duffus v. Thomas Fraser in Mid Beltie, Thomas Teat in Bandar, Wm. Chapman in Tillmachill, James Downy at the Milne of Mid Beltie and James Walker at the Walkmilne thereof. Sasine dated 10 September, 1638. Notary Alexr. Duny,
- Feby. 5.     **Supplement. Rent.** Alexr. Andersone, Portioner of Durno, then of Standan-staines v. Alexr. Cruikshank in Knowis of Durno. The rent crop 1636 and previous years had been decerned for in a Court of the lands held on 23 May, 1637.
- Supplement. Rent.** Archibald Thomsone, Tailzior, burgess of Edinburgh v. Alexr. Andersone of Tillikeirro and Wm. Andersone sometime in Logiedurno. Crops 1637 had been decerned for by an Act of Court of the lands of Logiedurno, Craigmilne and Craigtollie on 27 March, 1638, which was given effect to, besides which there was a decerniture for rent crop 1638. The Defender Alexr. Andersone had guarantced the rent for Wm. Andersone who had been the tenant. Expenses £3.

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1641.

Feby. 10 **Forthcoming.** Wm. Logane in Woodend of Inchmarloche v. Robert Irving in Bandar and Alexr. Keith, Portioner of Duffus, for his interest. On 22 March, 1639 [*supra* p. 470] the Pursuer obtained a Decree against Keith, which he followed up by arresting in Irving's hands on 12 May, 1639 and 20 November, 1640, the rents and duties due by him for crops 1639 and 1640.

12. **Forthcoming.** James Bisset, son and heir, served to Wm. Bisset in Drumquhrenny and James Blackhall in Ley, his curator v. Mr. Wm. Burnet, Minister at Kinarny and Thomas Wastland in Badintoothe for his interest. The Pursuer held a decree against Alexr. Gordoune of Abirzeldie and Thomas Wastland, dated 15 June, 1638. [*Supra* p. 453.] Mr. Burnet admitted liability for 12 bolls victual at 8 merks per boll.

March 5. **Rent.** John Seatoune of Auchorthies and Elspet Seatoune, heritable proprietors of the lands in liferent and fee respectively v. Alexr. Gordoune of Carnborrow, Wm. Mitchell in Garbreck, James Barclay in Blackhillis, James Norn in Nethir Balnacraig, Andrew Malice in Boigheid, James Donald in Balnaboth, John Brabner there, George Waynes [and] Isobel Waynes, widow of John Sim in Neuk, George Malice in Newtoun, Arthur Mitchell in Cranfuir, Walter Spence in Boigforthe, John Gordoun in Brodland and John Straquhan at the Miln of Carnborrow. Sasine dated 8 and 9 April, 1636. Notary Wm. Thomsone. Expenses, 20/- each.

17. **Supplement. Abstracted Multures. A Millstone, etc.** James Smithe at the Milne of Auchmar v. John Malcolm in Newtoun of Knokaspak and John Cattoche in Towie of Clat. Two Acts of Court of the lands of Drumgowand, Courtestoune and Auchmar, were founded on. The claims against Malcolm were (1) for mill multures and (2) for "ane Jack" valued at £16. Beside the twentieth peck for multure, there was payable "ane haddische meill for ilk boll shilling for the millar his bannak and service." By an Act of Court of the lands of Courtestoune, Jonstoune and Drumgowand, Cattoche had been found liable for "fyve merkis for ane milnstaine."

**Forthcoming.** Henry Nicoll in Cortaines, Geillis Hoge, his wife, and James and John Nicoll, his sons v. Sir Alexr. Irvine of Drum, knight, and Alexander and James Blakhall, Portioners of Finnersies, and Mr. Robert Forbes, Minister at Eacht, for his interest. On 19 November, 1633, Mr. Robert Forbes, then designed Portioner of Finnersie, and Mr. Alexr. Forbes, his son, borrowed from the Pursuers 450 merks of principal and granted bond therefor. What had been arrested was the Minister's stipend.

19. **New Turnors.**<sup>1</sup> Alexr. Stewinsone in Pervinnes v. Wm. Merser in Auchrony. The Defender was found liable in the "sowme of acht pundis money conforme to the said Wm. his awin depositeioun of the sowme of threttie pundis worth of new turnors quhilk the said Wm. receavit from the said Alexr. to have outit them in the contrie."

<sup>1</sup> A Turnor was a copper coin equal to a Bodle, three Turnors being of the value of a half-penny sterling.

## Aberdeenshire Sheriff Court :

1641.

Mar. 26. **Exhibition and Registration.** Wm. Hay, burgess of Abd., and Marjorie Robertstone, his wife *v.* Walter Robertstone, Common Clerk of the burgh of Abd., James Robertstone, burgess of Abd, son and heir of the late Walter Robertstone, also burgess, and Margaret Wentoun, his widow. The Marriage Contract of the Pursuers, dated 11 April, 1637, was produced by the Common Clerk and there and then registered for execution against the heir.

31. **Rent. Caution to Pay, Plenish or Remove.** Mr. Wm. Burnet, Minister at Kinerny *v.* John Chalmer, sometime in Couper Grange, then in Muirtoun of Sauchin. The Pursuer had let to the Defender a plough of Muirtoun of Sauchin for five years from Whitsunday, 1639; but he had deserted his holding.

June 2. **Registration.** Janet and Margaret Chalmer, daughters and co-heirs of Robert Chalmer, burgess of Abd., and Mr. Hew Irving of Beildsyd, husband to Janet, and Alexr. Chalmer of Drymmes, curator to Margaret *v.* John Kemptie, burgess of Abd., and John Duffus, burgess there. A Bond by the Defenders for 100 merks of principal, dated 3 February, 1638, was ordained to be registered.

**Copper.** Charles Robertstone, burgess of Abd. *v.* John Thomsone in Garthe. 17 lbs. 7 oz. of copper had been sold for £17 8/8.

**Rent.** Mr. Thomas Gray, Bailzie, burgess of Abd. *v.* Thomas Sangster in Tilli-corthie, who had occupied Ower Ranishill crop and year 1639.

**Wrongous Intromission. An Iron Pistol.** Alexr. Sandesone, Messenger in Auld Abd. *v.* Donald Urquhart there, Robert Ross there, James Milne at the Milne of Ferrihill, John Robertstone, "Sojour under Capitan Sutherland in the regiment of John Lord Sinclair Collonell," and Wm. Rob, Wricht in Abd. The claim was pressed against Rob only. The Pursuer's value was £40, but only 20 merks was decerned for, after evidence had been led.

4. **Registration.** Alexr. Hendrie, burgess of Abd. *v.* Patrick Gordoun, elder, of Kincraigie, and Thomas Gordoun, his son. A Bond, dated at Gartlie, 26 June, 1637, for £42 of principal.

23. **Forthcoming.** James Smithe, Merchand, burgess of Abd. *v.* Mr. Robert Farquhar, Bailzie, burgess of Abd., and Wm. Maitland of Monleattie, for his interest. Maitland and Patrick Mortimer at the Milne of Aden were liable equally to the Pursuer under a Bond, dated 3 December, 1637, for 70 merks. How Farquhar came to be Maitland's debtor was not disclosed.

25. **Abstracted Multures.** John Cruikshank, burgess of Abd., heritable proprietor of Medapill, multures and knaveship thereof *v.* George Rait of Meikill Follay. Abstracted multures for the years 1636 to 1640 inclusive were claimed. The 18th peck was due in the case of this mill.

**Merchant's Accounts.** John Cruikshank, burgess of Abd. *v.* James Forbes in Drumrossie and 18 other persons, mostly in that neighbourhood. Expenses 6/8 each.



## Decree Books: Vol. VII., Contents

1641.

June 25. **A Fingring Plaid, &c.** John Duff, burgess of Abd. *v.* Janet Makie, widow of James Huchecoun in Innerourie. Decree passed for *inter alia* "ane fingring plaid aucht pundis Mair for liningis and bandis pearlit and unpearlit ten pundis."

30. **Removing.** Wm. Innes of Tippetie, Taxman of the lands *v.* Wm. Sellar, lawful son of Andrew Sellar in Auchmade. The Pursuer had a lease of the sunny half lands of Belscamphie from Elizabeth Keythe, widow of Wm. Leask of that Ilk and liferentrix thereof, dated 9 June, 1637. The Defender was in occupation of these lands under lease, dated 2 April, 1639 and registered in the Books of Council and Session 12 September, 1640.

July 2. **Removing.** Robert Keith, Writer to the Signet, heritable proprietor of the lands *v.* George and Alexander Summers in Denstoune, in the Parish of Sanct Machar. Date of Sasine not given.

**A Pistol.** Sir Alexr. Gordoune of Cluny *v.* John Straquhane in Waster Eacht. The pistol as "stokit with brass" and valued at £40, was said to have been taken from Sir Alexander's house in Auld Abd. Expenses 53/4.

7. **Removing.** Alexr. Udny in Ochterellone *v.* Wm. Adamsone in the Undertoune or Youndertoune of Ochterellone. Sasine dated 2 September, 1623. Notary Mr. Robert Petrie.

**Removing.** Isobel Leask, widow of Adam Gordoun of Knapis Leask, liferentrix of the lands and Patrick Mowat of Sungzie, her husband *v.* Mr. Patrick Hay occupier of the lands of Knapis Leask alias callit Leaskis Grunzeon, in the Parish of Slaynes. Sasine dated 29 June, 1614. Notary Gilbert Tailzior.

14. **Loan.** Mr. John Chalmer, Shreff Clerk Deput of Abd. *v.* George Deanes in Leyludge. The Defender had borrowed 100 merks from Gilbert Love in Leschangzie some twelve years before the action was raised. The Pursuer's title was an Assignment by Love, dated 3 July, 1641.

**Supplement. Fines for taking Peats, Absence from Court, &c.** John Forbes of Aslowne *v.* George Touche in Badivin and a number of others who had broken the estate Regulations for the Peat mosses. Two Acts of Court dated respectively 1 and 10 June preceding were produced.

16. **Supplement. Rent.** Alexr. Chalmer of Balnacraig *v.* Wm. Elmslie in Cloak. By an Act of Court of Balnacraig dated 29 March, 1641, the Defender had been found liable for the rent of Balnacraig crop 1639 and half of Upper Balnacraig crop 1640.

**Removing.** Sir Paull Menzies of Kimmundie, knight *v.* Alexr. Irwing, occupier of the lands of Kimmundie. Sasine dated 8 June, 1629. Notary Walter Robertsons.

## Aberdeenshire Sheriff Court :

1641.

July 16.

**Removing.** William, Earl Mershall, Lord Keith and Altrie, etc., heritable proprietor of the lands *v.* Sir Wm. Keith of Ludquharne, knight, Wm. Hay in Boginjohn and James Innes in Elrick. The Defender Sir Wm. Keith was ordained to remove from the lands of Boddome, Seatoun, Newlands of Stirlinghill, Blakhous, Conziak, Auldmad, Badforskie, Boginjohn and Elrick, and the other Defenders from Boginjohn and Elrick. Sasine dated 10 November, 1637. Notary Mr. Wm. Sharpe.

**Forthcoming.** Thomas Robertstone, Cordoner, burgess of Abd. *v.* Sir Wm. Forbes of Craigivar, knight baronet and Adam Wat in Netherbigging of Auchorthies, for his interest. By Bond dated 30 June, 1634, and recorded in the Sheriff Court Books on 17 November, 1640, Wat became bound along with James Leslie of Auchorthies to pay the Pursuer 400 merks of principal, with interest and penalty. Sir Wm. Forbes was ordained to pay 1000 merks arrested in his hands.

21. **Rent.** James Forbes of Cloak *v.* John Wallace in Tilliriauche, who had occupied eight oxengait of Tilliriauche in the Parish of Touche crop and year 1639.

**Wool, etc.** John Allardes, burgess of Abd. *v.* Wm. Thomsone in Brukillis. The Pursuer obtained decree for £82, being the balance due for "certane wooll and guid and sufficient waitres coft and receavit" in October, 1640, and which were to have been paid at "Fasterns ewin and Midlentron fair," 1641.

**Removing.** Alexr. Keith of Midbeltie *v.* Thomas Fraser in Midbeltie and James Walker at the Walk Milne of Midbeltie. Fraser was in occupation of the Maynes of Midbeltie and Walker of the Walk Milne. Sasine dated 10 September, 1638. Notary Alexr. Duny.

28. **Interest on Bond. Deduction of Tax.** John Lumsdene of Tillicarne *v.* John Leithe of Quhythauche, as heir of Patrick Leithe of Quhythauche, his father, and his Tutors and Curators, if any, for their interest. In 1630, the Defender's father, along with Arthur Forbes, son of Abraham Forbes of Blaktoun, John Leith of Harthill and John Forbes, brother of the said Arthur Forbes, had granted a Bond to the late Mr. Robert Lumsden of Auchinlek and Margaret Lumsden, his wife, and the longest liver, etc., for 1000 merks. After Mr. Robert Lumsden's death, his widow married Alexr. Calder, then in Logiroow, who, being due 200 merks to the Pursuer, assigned the annual rent of the 1000 merks liferented by his wife in security and for payment of that sum, interest and penalty. By this decree, the Defender John Leithe, as heir to his father, was found liable in "the sowme of four scoir merkis money for the annual rent of the said sowme of ane thousand merkis fra Mertimes," 1639, to "Mertimes," 1640, "deduceand thairoff the sowme of aucht merks money for the tent pennie of the said yeir's annual rent conforme to the Actis of the Estaitis." The half-year's interest from Martinmas, 1640, to Whitsunday, 1641, was also decerned for.

**Abstracted Multures.** Gilbert Walker in Pottertoun *v.* Wm. Couper in Colpnay and a large number of others, who for various years past had not been grinding their corns at Milne of Pottertoun.

## Decree Books : Vol. VII., Contents

1641.

July 30. **Loan.** David Aidie, burgess of Abd. v. Wm. Hay of Delgatie, as heir to his father, Sir Alexr. Hay of Delgatie, who had granted a Bond to the Pursuer for £400, dated 30 May, 1629, and recorded in the Books of Council and Session on 17 December, 1634. The cautioners on the Bond were John Leithe of Auchlie and James Hay of Muiriefauld.

**Registration.** David Aidy, burgess of Abd., "Assigney constitut be Mr. Andro Aidy, sumtyme principall of the College Marischall of New Abd." v. Wm. Hay of Delgatie, as heir of his father, Sir Alexr. Hay of Delgatie. There was ordained to be registered for execution at the instance of the Pursuer, a Bond for 2000 merks, dated 6 June, 1631, granted by Sir Alexr. Hay as principal, and John Hay, Bailzie burgess of Abd., James Hay of Muiriefauld and George Hay of Aucharny as cautioners, in favor of Mr. Andrew Aidy and Margaret Blakburne, his wife. To this Bond the Pursuer had acquired right by Assignment, dated 22 May, and registered in the Sheriff Court Books, 1 July, 1641.

**Removing.** Robert Gardyne of Tillifroskie v. John Turnor and Wm. Smith, occupiers of Kirktonne of Birss. Sasine dated 15 June, 1632. Notary Alexr. Dunie.

Augt. 17. **Meal.** John Leithe of Bucharne v. Wm. Layng in Asswanlie. An account of £12 for meal sold, with 30/- of expenses.

24. **Horse Sickness. Liability of Neighbour.** James Gordoune in Wrayis, fiar of Knokaspak v. John Weir in Wrayis. The Pursuer's case was that the Defender had a mare suffering from a horse sickness called mortiecheyne, which he warned him to put away, otherwise he would hold him liable for damages if his horses got infected. In the result, according to the summons, two of his mares and a horse died, and three others suffered. Damages were given, with £4 of expenses.

**Alteration of Sum in Bond. Reference to Creditor's Oath.** Wm. Andersone in Crabstoune, as heir of Arthur Andersone in Mellingsyd v. Michael Hay in Williams-toun. The deceased Arthur Andersone, on 31 August, 1631, granted a Bond to the Defender for 100 merks and one dollar; but the sum in the Bond had been altered to 200 merks. The object of this proceeding was to prove the true indebtedness out of the creditor's mouth, who deponed that the sum due was 100 merks and a dollar with 10 merks of interest, and not 200 merks as now appearing on the face of the Bond.

25. **Rent.** Janet Cheyne, Lady Schethin, liferentrix of the lands v. Donald Urquhart, sometime in Schethin then in Carnhill. In 1637, and prior to that year, the Defender had occupied the third part of the Mains of Schethin.

28. **Agreement for Maintenance of Children.** Alexr. Lyon in Darrahill v. Andrew Johnstoune in Wastburne. According to the narrative, George Walker at the Miln of Ardo died, leaving two pupil sons. His widow married again, and this decree was necessary to enforce an agreement by the step-father to grant two Bonds for 80 merks each, to provide for the maintenance of the children.

## Aberdeenshire Sheriff Court :

1641.

Augt. 31. **Rent. An Old Claim.** Alexr. Irwing of Fortrie *v.* George Johnstoune, sometime in Quhytcarnes, then in Lamer Moor of Arnage. The Defender had been tenant to the Pursuer of four oxengait of Quhytcarnes in the years 1626, 7, 8 and 9. Expenses £4.

Sept. 24. **Rent.** Jean Curror, lawful daughter of David Curror of Fingask *v.* Patrick Whitson in Fingask. The Pursuer was entitled, by virtue of an Assignment from her father and Cristiane Curror, her mother, to the rents of the West third part of the lands of Fingask in the parish of Fraserburgh, occupied by the Defender for crop and year 1640. The highest prices of grain had been protested for and were allowed.

Octr. 5. **Loans.** Sir James Gordoune of Lesmoir, knight baronet, "pronevoy," and heir of the late Sir James Gordoune of Lesmoir, knight baronet, his grandsire, and executor nominated and confirmed to him, and John Leithe of Bucharne, his tutor dative, for his interest *v.* George, Marquis of Huntlie, as heir of the late George, Marquis of Huntlie, his father. On 10 August, 1632, the Defender and his late father granted a Bond for 26,000 merks in favor of William Dick of Braid, Merchand, burgess of Edinburgh, to one half of which the late Sir James Gordoune acquired right by assignation dated 2 March, 1636. By another Bond, granted by the late Marquis, as principal, and Robert Gordoune of Cowdrain, the said John Leithe of Bucharne, James Duff of Bade, John Spens of Bruntstaine, John Gordoune of Carnfeild, John Gordoune in Nether Buckie and Andrew Stewart in Tannachie, as cautioners, dated 15, 16, 17 and 28 July, 1634, they became bound to pay 13,000 merks to the late Sir James Gordoune. On production of his own Service, extracts of the Bonds and Assignation, of the Service of the Defender, as heir to his father, and executions at the market cross of Edinburgh and pier and shore of Leith (in respect of the Defender's being "furthe of the cuntrie") the Pursuer obtained decree for both sums of 13,000 merks, and further large sums of penalties and past due interest.

**Loan.** Mr. Wm. Leslie, principal of the "Kingis Colledge of Auld Abd.," formerly designed Wm. Leslie, lawful son and "onlie barne procreat betwixt umquhill Mr. Alexr. Leslie, parson of Rothes and umquhill Jean Hervie, his spouse" *v.* Wm. Gordoune of Terpersie, as heir to the late George Gordoune of Terpersie, his father. This decree related to a sum of 12,000 merks which had been at one time lent on wadset over the lands of the Kirktoone of Clat, belonging to James Gordoune of Knokaspack. When the loan was paid up by him, the Pursuer was a minor, and so James Kinnaird, portioner of Middiltoun, his step-father, along with the father of the Defender and James Innes of Drynnie became bound to relieve the Laird of Knokaspack, and to warrant the payment of the money to the Pursuer on the expiry of the liferent of his mother, Jean Hervie. This event occurred on her death taking place in March, 1639, and the Pursuer obtained this decree against the Defender, as the heir of his father, who had become liable as above set forth.

6. **Rent.** John, Earl of Kingorne, and John Udny of Belhelvies, his Chalmerlain *v.* George Dowertie, sometime in Easter Ardo, and then in Blairtoun. The rents of Easter Ardo for the years 1634 to 1637 inclusive were decerned for.



## Decree Books : Vol. VII., Contents

1641.

Novr. 3. **Loan.** Gilbert Kirkwood of Pilrig and Sir Alexr. Foulis, younger, of Collingtoun, George Foulis of Ravelstoun, Mr. Adame Hepburn of Humbye, Mark Cass of Cokpen, his curators *ad negotia*, and Robert Hepburn, Advocat, his curator *ad lites v.* George, Marquis of Huntlie, for himself and as heir of the late Marquis, his father, and Alexr. Gordoune of Aberzeldie. The Pursuer was in right of three Bonds, viz.:—(1) Bond by the Marquis as principal, and his late father as cautioner, in favor of Gilbert Kirkwood of Pilrig, Goldsmith, burgess of Edinburgh, the Pursuer's father, for £35,526, dated 3 August, 1630, and payable at the first term of Whitsunday or Martinmas after the death of the first Marquis, with interest after that term; (2) A Bond by the Marquis of Huntlie, then Lord Gordoune, in favor of the said Gilbert Kirkwood for the interest of the above mentioned sum at the rate of £3052 per annum up to the date of payment of the foresaid Bond, dated the said 3 August, 1630; and (3) Bond by the Marquis, then Lord Gordoune, as principal, and Alexr. Gordoune of Aberzeldie in favor of Mark Cass of Cokpen, son of the late Richard Cass of Fordell, for the sum of £5900, dated 22 December, 1632. For these sums, with large additions by way of penalties and accrued interest decree passed against the Marquis of Huntlie and Gordoune of Aberzeldie in terms of their respective obligations.

26. **Rent.** Andrew Phinny in Peitterheid *v.* John Gray in Blakhous, James Layng there, Marjorie Davidsone there, and Alexr. Rickart, her husband. The Pursuer had an assignation from Alexr. Keithe of Balnuir to a considerable sum of back rents due by the Defenders and vouched by accounts subscribed by them.

Decr. 3. **Wrongous Intromission.** Alexr. Irving, natural son of the late Alexr. Irving of Lenturk and Alexr. Irving of Glassill, his tutor *v.* Thomas Fraser in Bandar, Thomas Tait there and Wm. Fraser in Craigtoun. The deceased had, by Disposition dated 6 December, 1639, made over to his pupil son (borne to him by Janet Wallace) all his personal and moveable estate, parts of which the Defenders had taken possession of.

**Exhibition.** The said Alexander Irving and his tutor *v.* Robert Lumsden of Clova, who was ordained to produce and did produce and deliver to Alexr. Irving the tutor, no fewer than 22 Bonds and other documents of debt relating to the deceased's estate and affairs.

**Removing. Objection to Sitting Sheriff Depute. Procedure.** Sir Alexr. Irving of Drum, knight, as heritable proprietor of Wester Beltie Torphines and Sodayis-wallis, being part of the lands of Beltie Gordoun in the Barony of Cluny by annexation *v.* John Findla in Wester Beltie and others. Sasine dated 10 January, 1631. Notary James Ross. In this case Mr. William Davidson of Carny the sitting Sheriff depute was challenged as a judge "not competent" in as much as he was a servant and adviser of the Pursuer. He himself found this to be a relevant defence, and it was referred to his own oath, which being negative he repelled the defence and pronounced decree. The procurator for the Defenders protested for remeid of law and reduction.

## Aberdeenshire Sheriff Court

1641.  
Decr 8.     **Registration.** Charles Dune, Litster, burgess of Abd., present Collector to the Kirk Sessioun of Abd. *v.* Sir James Gordoune of Lesmoir, as heir to his great-grandfather, also Sir James Gordoune of Lesmoir and John Leith of Bucharne his Tutor Dative. A Bond for 1757 merks, granted by the deceased baronet in favor of Edmond Gradane in Logie and Janet Gordoune, his wife, dated 23 April, 1635, and assigned to the Pursuer in 1641 was ordained to be registered for execution against the Defender. Among the witnesses to the Bond was Mr. Wm. Stewinsone, Minister at Gamrie.

**Supplement. Rent.** Alexr. Gordoune of Carnborrow *v.* Patrick Gordoune in Balnacraige. In a Court of the lands held on 24 November, 1640, the Defender had been ordained to pay rent for Balnacraige for the years 1638, 1639, and 1640 and for Wastfaulds for the years 1638 and 1639.

**Transferring.** Marjorie Inglis, widow of George Peacock, younger, Apothecar, burgess of Abd. and wife of Paull Collinsone *v.* Sir James Gordoune of Lesmoir, as heir of his great-grandfather and John Leith of Bucharn, his Tutor. By decree of the Sheriff Court, dated 1 June, 1636 [*supra* p. 418], two Bonds had been ordained to be registered for execution at the instance of the female Pursuer as Executrix of her husband for execution against Sir James, the elder. These were (1) A Bond dated 23 November, 1633, for 170 merks on which he had been cautioner for George Leslie of that Ilk and (2) A Bond of the same date for £150, where Leslie was principal and Sir James Gordoune cautioner. The object and effect of this further decree was to transfer the former decree of Registration *passive* in the person of the Defender, as heir of his great-grandfather, so that the same execution might pass at the Pursuer's instance against him, as might have passed against Sir James Gordoune, the elder.

1642.  
Jany. 5.     **Forthcoming.** Henry Nicoll in Cortans, Jellis Hog, his wife, and James and John Nicoll their sons *v.* Sir Alexr. Irving of Drum, Alexr. Blackhall, Portioner of Finersie and Mr. Robert Forbes, Minister at Eacht, for his interest. This decree proceeded upon arrestments of the Minister's Stipend payable by Sir Alexr. Irving and Blackhall from their lands in that Parish to the Minister crop and year 1641 [*vide supra* p. 479].

## Illustrative Examples taken from Vol. VII. of Decree Books

### Rent, &c.

(11 Jany 1639)

THE SAID DAY anent the actione and caus persewit at the instance of Alexr Mill in Beildsyid agains Wm. Thome thair TUTCHING the persewars clame askeing at the said defendar four pundis maill of thrie huiks land quhilk sould haue beine payit at Mertimes last Mair four pundis sex schillingis aucht pennies for ane huiks fie Mair four pultrie foulls at thrie schillingis four pennies the peice Mair tuentie sex schillingis aucht pennies for inlack of tua servands ane day in harvest and tua in peittyme Mair fourtie schillingis for thrie dayis of his horss in peitleiding Mair ane pair of shoone promiseit be him for keiping of his guids in heruest last pryce thair of aucht schilling Mair tuentie schillingis for ane firlof of aits for ane nicht lair of his horss in harvest 1<sup>m</sup> vi<sup>e</sup> threttie sewin yeiris Mair tua schillingis sex pennies for half ane peck aits eatin be his horss immediatlie befor the said harvest Mair sewin schillingis sex pennies for ane peack & a halff of aitis for ane nicht lair of tua horss cropt 1<sup>m</sup> vi<sup>e</sup> threttie aucht yeiris as in the said persewars clame at mair lenth is contentit COMPEIRIT Alexr Thomsone pror. for the said persewar and producit ane summonds dewlie execut and indorsat to this day agains the defendar to giw his aithe of weritie upon the contentis of the said persewars clame referrit thairto be the said persewar with certificatioune pro confesso and desyrit the said claim to be hauldin as confest agains the said defendar and the said defendar COMPEIRAND personallie and being solemnlie suorne and examinait confessit that he was restand to the persewar the saids [soume] of aucht pundis sex schillingis aucht pennies for the maill of thrie huiks land and for ane huiks fee Item thretteine schillingis four pennies for four pultrie and siclyk confessit that he was restand to the persewar aucht schillingis four pennies onlie for the inlack of tua servantis ane day in harvest and als the soume of ten schillingis for the inlack of his horss labour thrie dayis in peitleiding last And als aucht schillingis for the pair of schoone promiseit be [him] for the keiping of his guids And in lyk maner confessit that he was restand to the persewar tuentie schillingis for ane firlof of gryt aitis eatin be the defendaris horss of the persewars cornes in harvest 1<sup>m</sup> vi<sup>e</sup> threttie sewin yeiris Item tua schillingis sex pennies for half ane peck aitis eatin be the said defendars horss immediatlie befor the said harvest And als the soume of sewin schillingis sex pennies for ane peck and ane half

## Aberdeenshire Sheriff Court :

peck aitis eatin be the defendaris horss of the persewars cornes cropt  
 im vic threttie aucht yeiris And denyed the haill remanent contentis of  
 the persewars clame In respect quhairof the SCHIREF DEPUT decerned  
 [against the defender in terms of his confession and *quoad ultra* assoilzied  
 him].

### Supplement. Fines for taking Peats. Absence from Court, &c.

(14 July 1641)

THE SAID DAY . . . . . John Forbes of Aslowne againsts George  
 Touche in Badivin, Wm. Jamesone in Elrick John Garioche in Endowie,  
 Johne Walker in Aslowne, Wm Grein in Argaithin Johne Forbes in  
 the Muir [and a number of other tenants in Badivin, Elrick, Endowie,  
 Aslowne, Ardgethin and the Muir] . . . . . TUTCHING the  
 persewaris lybellit summondis MAKAND MENTION That quhair in  
 ane Act of the Court of the said lands of Aslowne hauldin upone  
 the first day of Junij last be Thomas Daidsonne Bailzie and Wm  
 Forbes notar publict Court Clerk it wes statut and ordanit for keip-  
 ing of the peitis within the moss unstowin and takin away if any  
 man suld be challengit and prowine agains him that he took any  
 peitis not appertaining to himselff or sauld any to any uther without  
 libertie to any uther without the ground he sould pay ten pundis toties  
 quoties Lykas [be] wertew of ane uther Act of the dait the tent day of  
 Junij last George Touche and Johne Gillespie tennentis in Badivin ar  
 convict of thair awin confessioun of taking off peitis out of the mossis  
 of Meikill Endowie but libertie of the owneris and giwing peitis to Jon  
 Hendersone in Quhythauche and thairfoir is in ten pundis money ilk ane  
 of them Item James Wittar there is convict of his awin confessioun for  
 giving peitis furthe of the ground and for his menes taking peitis furthe  
 of the moss without warrand is amerciat in ten pundis Item Andro  
 Smithe thair is convict for bothe giwing and taking of peitis furthe of the  
 said moss contrair to the said former Act in ten pundis for ilk ane of the  
 saidis factis Item James Gellie thair is amerciat in alsmeikill for the  
 saidis factis Item James Mackie Johne Hendersone Alexr Mathesone  
 Wm Jamesone in Elrick Johne Gareoche and Patrick Forbes in Endowie  
 Johne Walker and Georg Bonnar in Aslowne is amerciate ilk ane of  
 them in fourtie schillingis for absence from his Court Item Wm  
 Ingrahame in . . . . . of his awin confessioun is amerciat for taking of  
 peitis furthe of the said moss contrair to the said Act in ten pundis Item  
 Johne Patersone and Jon Coupland thair ar amerciat for giwing of peitis  
 out of the ground and for taking of peitis to fill up thair leit is of peitis  
 and Alexr Coupland for taking of peitis to fill up leit peitis in ten pundis



## Decree Books: Vol. VII., Illustrative Examples

ilk persone Item Jon Kar Wa Grein in Argeithin James Ross Jon Forbes and Johne Forbes in the Muir and Alexr Robertstone ilk ane of them unlawit in fourtie schillingis for absence from the saids Courtis Item Wm Duncan in . . . is amerciate for taking peitis from his guidsones stak in ten pundis [The Sheriff depute interponed authority to the Acts of Court and ordained precepts *in supplimentum justiciæ* to be issued for enforcing them].

### Horse Sickness. Liability of Neighbour.

(24 August 1641<sup>1</sup>)

THE SAID DAY anent the actioun and caus persewit at the instance of James Gordoune in Wrayis fiar of Knokaspak agains Johne Weyr [Weir] in Wrayis TUITCHING the persewaris lybellit sumondis desyring the said defendar . . . decernit . . . To pey and delyuer to the said persewar the pryces of sex horss and meares thair of thrie horss and thrie mearis pryce of the peice owerheid threttie pounds And that be reasson in this instant yeir of God 1<sup>m</sup> VI<sup>e</sup> fourtie ane yeiris or thairby the said persewar cam to the said defendar his awin hous in presens of famous witnessis and declairit to him that the said defendar haid ane mear that haid the mortiecheyne being his narrast nichtbour and desyrit him to put away the said mear that nichtbours might be skaithles of thair guidis of that effectioun and this the persewar desyrit him ane quarter of ane yeir befor that his horss and meares wer infectit quhilk he refusit to doe quhairupon the said persewar protestit agains him for all his indemnitie and tuik honest and famous witnessis at that tyme upone his refusall And trew it is that since the tyme of his protestatioune agains him sex of his horss and meares ar infectit and tua meares and ane hors deid and thrie leivand yit casting and will mak na stead of the pryces above wreittin infectit all be the said defendar's mear quhilk wes infectit with ane contagious seiknes and quhilk the defendar wald not put away his mear being knawin to have bein so infectit and deteinit be him and thairfor the premissis being found of weritie and sufficientlie prowyn befor us To heir and sie himself decernit to have done wrong thairthrow And also to pay . . . The said persewar COMPEIRAND [by his procurators] . . . the defendar not compeirand . . . THE SHERIFF DEPUTE forsaid . . . DECERNES the said defendar to pay and delyuer to the said persewar the sowine [? lybellit] for the pryce of ane blak mear and twentie punds as the pryce of ane broun mear both infectit with the

<sup>1</sup> This Court being held *in tempore feriato*, i.e., vacation for harvest, was so held in virtue of Letter of Dispensation from the Supreme Court.

## Aberdeenshire Sheriff Court

diseas lybellit and deid be the said infectioun togidder with the sowme of fourtie pundis money as the pryce of ane gray hors all pertaining to the said persewar and infectit be the said diseas . . . with four pundis for expenssis of pley [&c. &c.]

### Removing. Objection to Sheriff Depute. Procedure.

(3 Decr 1641)

[This was an Action of Removing brought in the Sheriff Court, at the instance of Sir Alexr. Irving of Drum, who was Sheriff Principal, against tenants of Wester Beltie, in which Mr. William Davidson of Carny, whose original appointment as Sheriff Depute proceeded from the Sheriff Principal, granted decree. The Defender's pleas, and how they were disposed of will appear from the following excerpt from the decree]. BECAUS it was alledgit be the said Mr Alexr Davidsone pror. for the saids defendaris that the said Mr Wm Daudsone Shreff deput could not be judge competent to this actioun becaus he is servand to the Laird Drum and hes land for his service of him consuler and doer of all his effaires and also consuler and advyser anent his right and contraversie anent the lands lybellit betuixt him and Straloch and his wyff<sup>1</sup> and altogidder partiall sua is suspect quhill declinatour being fund relevant be the said Shref deput wes be him admittit to the said defendars probatioun and the said defendar being desyrit to werifie the samen instantlie The said Mr Alexr Daudsone pror. fairsaid Referrit the werite of the said declinatour to the said Shref deput his aithe Quha deponit that he was nather deput to the Laird Drum nor haid any landis off him for service nor any pensioun of him nather did he consult with the Laird Drum anent this proces In respect quhairof and that the said persewar instantlie werified his said lybellit summondis [here follows repetition of decree].

<sup>1</sup> Mr Robert Gordoune of Straloch was married to Katherine Irving, daughter of Alexr. Irving of Beltie. *Vide* Judicial Ratification by her 7 Decr 1642 *infra*.

## The Decree Books: Vol. I., Part II., 1633-44.

In the introductory notes to the first part of this Book of Decrees (*Vide* Vol. I., p. 375) it was stated that it was very sharply divided into two parts, of which the second consisted entirely of Decrees of Transumpt. In accordance with the attempt which has been made to place the different volumes, as far as possible in chronological order, it has been thought suitable to take up the second part at this point. It is true that it begins in 1633; but then the latest date is in 1644, which is later than that of any volume which has as yet been dealt with.

## Table of Contents of Vol. I. of Decree Books. Part II.

1633.  
Mar. 29.      **Title Deeds of the Teind Sheaves, &c., of Inverurie.** Thomas Crombie of  
of Kennay, George Leslie, Wm. Johnstoun, and James Fergus, Bailies of the Burgh  
of Enrwrie for themselves and in name and behalf of the heritors, burgesses, and com-  
munitie of the said Burgh *v.* Sir George Johnstoun of that Ilk, knight baronet, and all  
others having or pretending interest. The decree, containing as it does, a full trans-  
cription of all the writs, covers 50 closely written pages of the original, running, according  
to the Editor's estimate, to about 30,000 words. Only the following brief list is possible  
in this place. (1) Tack and Assedation of the Teynd Scheawes of Enrwrie landis  
thair of milne lands and Davoch landis of the samen granted by Patrick, Commendator  
of the Abbey of Lundoris in favor of Alexr. Irwing, Feir of Drwm for life and three 19  
years thereafter for payment of £24 Scots yearlie, dated 11 May, 1593. (2) Tack by  
the same to the same for three liferents and three 19 years, dated 8 July, 1615. (3)  
Ratification of the first Tack containing Procuratory for Resignation in the hands of the  
Crown, dated 8 July, 1615, and registered in the Books of Council and Session 5 Octr.,  
1616. (4) Instrument of Resignation dated 11 Decr., 1617. Notary Alexr. Blair. (5)  
Crown Charter under Great Seal thereon to the said Alexr. Irwing of same date. (6)  
Precept of Sasine under the Quarter Seal of same date. (7) Instrument of Sasine dated  
30 Decr., 1617. Notary George Barclay. (8) Assignment by the said Alexr. Irwing  
to Sir Alexr. Irwing, younger, of Drum and Magdalen Serymgour, his wife, of the two  
Tacks above mentioned, dated 8 May, 1623. (9) Their Instrument of Sasine upon the  
Teind Sheaves of Forglen and others dated 4 and 8 Jany., 1621. (10) Instrument of  
Sasine of the "said Teind Sheaves" in favor of Sir Alexander Irwing and Dame  
Magdalen Sringour, dated 1 Decr., 1624, and registered in the Register kept by the  
Clerk of Register for the Sherifdom of Abd., 22 Decr., same year. Notary Thomas  
Bruce. (11) Disposition of the "said Teind Sheaves" (on which no infestment followed)  
by Sir Alexr. Irwing, with consent of his wife and of his father, in favor of Sir Wm.  
Dowglas of Glenbervie, knight, dated 9 and 12 May, 1623. (12) Translation of the  
Tacks of the said Teind Sheaves in favor of Sir Wm. Dowglas of the same date. (13)  
Extract Judicial Renunciation by Dame Magdalen Sringour taken before the Sheriff  
of Banff, dated 14 May, 1623. (14) Two Dispositions and Assignations by Sir Wm.  
Dowglas in favor of the said Thomas Crombie of Kennay, one proceeding upon the  
heritable Disposition of the Teind Sheaves and the other upon the two Tacks Nos. (1)  
and (2) above mentioned, both dated 22 June, 1624. From the narrative it would  
appear that Crombie of Kennay had sold to the Burgh the Teind Sheaves of the Burgh  
roods, and that it was part of the agreement that, while Sir George Johnstoun should  
be the depository of the Original writs, the two parties interested should get authentic  
copies by way of a Decree of Transumpt.



## Decree Books : Vol. I., Part II., Contents

1633.

Novr. 16      **Instrument of Sasine of the Marquis of Huntly's Lands.** George, Marquis of Huntlie, etc. *v.* William, Earl Merschel, etc., Arthur, Lord Forbes, etc., and all others having or pretending interest. The narrative in this case bore that the Marquis had various actions against the Defenders and others depending in the Court of Session, and the Sheriff and the Commissary Courts, in which production of his title to his whole estates was necessary, and that there being only one copy of his Sasine it could not be produced in all these judicatories. The conclusion was for a proof of the genuineness of his Sasine by the examination of witnesses, who could prove the authenticity of the signatures of Wm. Bruce and Mr. John Grantullie the notaries thereto, who had both died and thereafter for transumpt into the books of Court. The date of the Sasine was 9 April, 1582, and the witnesses called to prove its authenticity were Mr. Alexr. Irwing and Mr. Andrew Clerk, both Advocates in Abd.

1634.

March      **Title Deeds of Johnsleyes, Drymmies, &c.** John Gordoun, younger, of Craig *v.* Sir James Gordoun, elder, of Lesmoir. The deeds said to be in the possession of the Defender and which were exhibited and trans-umed were (1) Charter by the late Wm. Gordoun of Auchindoir in favor of John Gordoun, his son, and the heirs male of him and Lilius Barclay, his wife, &c., &c., of the lands of Johnesleyes, Clinkstoun, Ouertoun, Midtoun, Neithertoun, and Rottinboig in the Parish of Insch, and the lands of Drymmies in the Parish of Inverurie, dated 23 April, 1596. (2) Sasine thereon dated 28 April, 1595. Notary George Chein. (3) Procuratory of Resignation granted by John Gordoun, elder, of Craig, in favor of the Pursuer and Jean Gordoun, his wife, dated 8 June, 1616. (4) Sasine dated 13 August, 1618. Notary the said George Chein. The Pursuer claimed as proprietor of Drymmies, not apparently of the other lands. The Defender had on 19 September, 1624, granted an obligation to exhibit and produce these writs. The conclusions of the Summons, which may be taken as an example of the pleadings in like cases, were "Agains Sir James Gordoun elder of Lesmoir as hawand in his handis the Chartoris Seasingis Prorie. of Resignatioun and uther wreittis eftir specifiet and againes all utheris hawand or pretenand entres . . . . To heir and sie him self decernit be decreit of Court ordour of law and justice to exhibit and produce befor us the haill wreittis and evidentis under wreittin viz [then followed the list or inventory] And the saidis Chartoris Instrumentis of Seasing and utheris wreittis particularlie aboue exprest being exhibit and producit in maner foirsaid To heir and sie the samen transumit and the transumptis thairto to hawe als great faith and fidelitie in all tymes cuming as the principallis and to heir and sie the said Shref his authoritie interponit thairto . . . . . Compeirit Mr George Andersone pror. for the said persewar and producit the said lybellit summons . . . . . and conforme to the said lybell desyrit proces and the saidis haill wreittis and rightes particularlie befor exprest to be exhibit producit and transumit in maner foirsaid . . . . . Compeirit Alexander Thomsone pror. for the said Sir James Gordoun and producit the saids haill wreittis and evidentis aboue and eftir mentionat befor the said Shref deput quahairof the tennour followis [here were written full copies of all the writs.]

## Aberdeenshire Sheriff Court :

1637.  
Sept. 13.

**Title Deeds of Kirktoun of Daviot, &c.** Patrick Urquhart of Lethintie and James Urquhart of Auld Craige and his Tutors and Curators *v.* Mr. Robert Farquhar, bailzie, burgess of Abd., Adam, Bischop of Abd., Wm. Seatoun of Meldrum, John and John Leslie, elder and younger, of Pitcappill, Mr. Wm. Straquhan, parsone of Daviot, Wm. Setoun of Cocklaw and all others having or pretending interest. The following writs were called for, produced and trans-umed. (1) Feu Charter of the lands of Mownie, Kirklands of Daviot, and others granted by Mr. Patrick Myrtonne Thesaurer of the Cathedrall Kirk of Abd. and Parsone of Daviot with consent of Bischop Dean and Chapitar to the late Janet Knowes, daughter of the deceased Alexr. Knowes, burgess of Abd., dated 21 Sept., 1557. (2) Precept of Sasine dated 29 Sept., 1576, by Janet Knowes to the deceased Mr. Richard Irving, son of the deceased Mr. Archibald Irving, relative to Contract of Marriage between the said Janet and Mr. Richard. (3) Charter by the said Janet Knowes to the said Mr. Richard Irving, her hushand, dated 26 March, 1577. (4) Confirmation by Mr. George Patersone, Thesaurer of Abd. and Parsone of Daviot, dated the        day of        1581. (5) Charter by Mr. Richard Irving to the deceased John Seatoune of Lumphart and Marjorie Pantoune, his wife, dated 26 March, 1590. (6) Instrument of Sasine following thereon, dated 30 March, 1590. Notary the late David Seatoune, (7) Instrument of Sasine of the lands of Lumphart, Pittinnon, Brounhilles, and others in favor of the deceased Wm. Seatoune of Meldrum, dated 4 August, 1556. Notary David Seatoune. This Sasine proceeded on a Charter by the deceased William, Bischop of Abd. to the said Wm. Seatoune of Meldrum, dated 14 May, 1556. (8) Feu Charter of the lands of Lumphart and others by William, Bischop of Abd. in favor of the deceased John Seatoune, second lawful son of the said Wm. Seatoune, proceeding on resignation by his father, dated 11 Octr., 1569. (9) Instrument of Sasine, dated 19 Decr., 1569. Notary David Seatoune. The witnesses called to cognosce the handwriting and subscription of the various writs were Mr. Wm. Barclay, Mr. Alexr. Gardyne, and Mr. Alexr. Reid, all Advocates in Abd.

1638.  
June

**Title to the Teind Sheaves of Tilliedesk, &c.** John Gordoune of Hiltoune, heritable proprietor of Tilliedesk, Toddilhills, Kirkhill, Doupismilne, Walk Milne and Corne Milne of Meikill Arnage *v.* John Ingrahame, Clerk Depute of the Burgh of Abd.,        Abbot of Kinloss, Walter Cheine, sometime of Arnage, and all others having interest. The following were the writs in this case : (1) Tack granted by the deceased Walter Abbot of Kinloss in favor of Wm. Cheine of Arnage and Walter Cheine, his eldest son, and the longest liver for two 19 years and thereafter so long as the name of Cheine should bear arms, dated 14 May, 1581, (2) Ratification by Mr. Edward Bruce, Abbot of Kinloss and Parsone of Ellon, dated 19 August, 1592. Mr. Wm. Barclay and Mr. Alexr. Paip, Advocates in Abd., were the witnesses.

13. **Titles of Lumfurd, &c.** Patrick Urquhart of Lethintie and Dame Margaret Ogilvie, his wife *v.* Wm. Seatoune, son and apparent heir of the late John Seatoune of Lumfurd, and Adam, Bischop of Abd., for his interest. (1) Charter granted by the late John Urquhart of Craigfintray to the said Patrick Urquhart and Dame Margaret Ogilvie, dated 17 Febr., 1631. (2) Ratification by Adam, Bischope of Abd., dated 10 May, 1637. The witnesses were Mr. Wm. Barclay, Mr. Alexr. Reid and Mr. Robert Reid, all Advocates in Abd.

## Decree Books, Vol. I., Part II., Contents

1644. \*

Octr. I.      **Titles of Fingask.** Patrick Urquhart of Lethintie v. James Fergusone, Town Clerk of Inverurie. There was called for the Protocol Book of the late George Barclay, Notary Public at the Chappell of Garioche, containing an Instrument of Sasine of the lands of Fingask, in favor of the late John Urquhart of Craigfintray in liferent and the Pursuer in fee, dated 17 Novr., 1615, following on a Charter by Peter, Bishop of Abd. and Dean and Chapter. The witnesses were Alexr. Thomsone, Advocate, and John Robertsone, Notary Public.

## The Minute Books of Judicial Enactments. Vol. V., 1638-48

It has to be observed with regard to this volume, beginning on 27 August, 1638, and ending 21 October, 1648, that, although it covers more than ten years, it contains proportionately much less material than the volumes of the same series already noticed. It consists of 184 pages only, and although evidently wanting something at the beginning, the paucity of work must be accounted for mainly by the "troubles" and changes of government. There are, for instance, only five leaves representing 1645 and three or four for 1646. A very distinct reference to the disturbing effect of the "troubles" will be found in a marginal note by the Sheriff-Clerk under date 30 November, 1644.

Another cause, however, would partly account for this. It has already been pointed out that all criminal entries had disappeared from the volume 1628-33, and it would appear from a marginal memorandum found opposite an entry of 6 December, 1647, that criminal books, of which no example has been preserved, were being kept at that time. It is not unreasonable, therefore, to suppose that the beginning to use such separate criminal books was co-incidental with the disappearance of criminal entries from the books of judicial enactments.

Numerous examples of the appearances of women to ratify transactions of various kinds are found in the volume.



## Table of Contents of Vol. V. of Minute Books of Judicial Enactments.

- 1638.
- Augt. 27.     **Loosings of Arrestments.** Mr. David Leitch, Minister at the Kirk of Ellone  
v. John Merse and Mr. Robert Merse, lawful sons of the late Mr. Robert Merse,  
Minister there. Cautioner George Bruce, Saidler, burges of Abd.
31.     Gilbert, Earl of Erroll, &c. v. Wm. Bruce, sometime in Chappelltoune of Essil-  
mont, then in Orchartoune. Cautioner Patrick Walker of Orchartoune, burges of  
Abd.
- Sept. 1.     Patrick Urquhart of Lethintie v. James Littiljohnie in Lauchterfauld of [Bal]cairne.  
Cautioner John Straquhane in Auld Meldrum.
6.     Patrick Ross, servitor to Robert Irving of Fedderet v. Charles Massie in Quhyt-  
carnes and John Chessor in Hiltoune of Culsh. Cautioner John Jaffray in Auchredie.
14.     Patrick Jack, younger, Litster, burges of Abd., heritable proprietor of Little Mill  
of Essilmonth v. Wm. Bruce, sometime in Chappelltoune, then in Orchartoune.  
Cautioner Walter Tilliburtoune in Archedlie.
- Novr. 20.    Patrick Jack, elder, Litster, burges of Abd. v. Patrick Mortimer at the Milne of  
Adan. Cautioner Alexr. Knox, son of Wm. Knox of Little Creichie. There was a  
special arrestment in the hands of Alexr. Straquhane of Glenkindie.
- Decr. 27.    James Skein of that Ilk v. Christiane Johnestoune, widow of Robert Skein of  
Tillibirlach and John and James Wastland there. Cautioner James Smith, burges of  
Abd.
- 1639.
- Jany. 30.    Alexr. Lumsden, Fiar of Tillicairne v. David Strachan, sometime in Landheids of  
Tillicairne, then in Tillibrek. Cautioner Wm. Leslie, occupier of eight oxengait of  
Duneduir. Three "Rukes of aittes" at Landheids had been specially arrested.
- March 6.    George Garoche, younger, of Tonley v. Wm. Hood in Powneid. Cautioner Mr.  
Robert Reid, burges of Abd.
- April 12.    George Mathesone at the Milne of Bourtie v. George Seatoune in Bromend of  
Creichie. Cautioner John Irwing in Creichie.
- July 2.     The said George Mathesone v. John Byres in Hilbray. Cautioner Alexr. Byres in  
Westerhous.
- Augt. 2.     **Renunciation and Discharge.** Helen Ramsay, wife of George Gordone of  
Lethintie, renounced her rights to the town and lands of Lethintie and Wester pleuche  
thereof, in favor of George Gordoune, younger, of Geicht.

## Aberdeenshire Sheriff Court :

1639.  
 Sept. 2.     **Renunciation and Discharge. Report of Commission.** Marjorie Gordoune, wife of James Ogilvie of Auchleuchries, renounced her rights to Mains of Auchleuchries in favor of John Gordoune, then of Auchleuchries, their son-in-law. The Commission by Irving of Drum, the Sheriff Principal, and Mr. Patrick Chalmer, the Sheriff Clerk, was signed at Drum on 3 August, was executed at Auchleuchries by George Gordoune of Nethermuir as Sheriff depute in that part, on 19 August, and reported by Mr. Wm. Lumsden, Advocat in Abd., of this date.
13.     **Loosings of Arrestments.** Mr. Patrick Gray, at the Milne of Schives *v.* Andrew Fyvie at the Dope Milne of Arnage. Cautioner Edward Adamsone at the New Milne of Foverne.
21.     **Mr. Hew Irvine of Beildsyde *v.* Margaret Wentoune, widow of Walter Robertstone, burgess of Abd., liferentrix, and James Robertstone, her son, proprietor of the lands of Cultis and Wm. Troup and David Archibald, their tenants there. Cautioner Wm. Robertstone, burgess of Abd.** What was arrested was the corn sown by the Defenders "upone ane portion of land at the north-east pairt of the lands of Beildsyd beneath the Carne of Cultis."
- The same Pursuer *v.* the same Defenders. Cautioner John Archibald, burgess of Abd. This arrestment was in identical terms with the foregoing.
27.     **William, Earl Merschall, and Alexr. Keithe in Carnculter *v.* Alexr. Hay, in**  
            . Cautioner Thomas Fraser, younger, of Streichin. A boundary dispute.
- Oct. 1.     **Revocation of Deeds Granted in Minority.** Arthur Forbes of Eacht, stating himself to be within the age of 24 years, over and above a general revocation, specially revoked a Bond for 800 marks of principal, dated 20 June, 1636, granted by himself as real debtor, and Mr. Robert Forbes, Portioner of Finersie, Minister at Eacht, and Mr. Alexr. Forbes, his son, as cautioners, in favor of Robert Gardyne of Tillifroskie.
4.     **Loosings of Arrestments.** Mr. Wm. Chalmer of Wester Disblair *v.* Wm. Chalmer of Wester Fintray. Cautioner Robert Keithe of Auchorsk.
- Nov. 7.     **Hew Gordoun in South Colpna *v.* James Ellicis in Kilduthie.** Cautioner Wm. Gordoune, Fiar of Tilliangus.
30.     **Wm. Dalgardno of that Ilk *v.* Christiane Udny, widow of Duncan Forbes of Bythe.** Cautioner John Forbes of Bythe. Dalgardno alleged a claim of 180 merks.
- Decr. 2.     **Alexr. George in Andistoune *v.* Margaret Thome, widow of Wm. Craig in Culter.** Cautioner Andrew Rainy at the Mill of Kinnertie.
5.     **Revocation of Deeds Granted in Minority.** George Johnstoune, eldest lawful son of Sir George Johnstoune of that Ilk, stating himself to be within 25 years of age, revoked all deeds done by him in his minority to his prejudice, and specially (1) An obligation granted by him as cautioner for his father, in favor of Alexr. Forbes of Auchintowle, or any other person, for the sum of £1000 less or more, and (2) An obligation as cautioner for his father, in favor of John Cruikshank in Muirs of Fyvie for 3000 merks.

## Judicial Enactments: Vol. V., Contents

1640.

Jany. 15. **Loosings of Arrestments.** John Philp in Balblair *v.* Robert Craig in Ower Corskie. Cautioner John [?] Doccor in Brigend of Bervie.

Feby. 14. Dame Anna Drummond, widow of Andrew, Lord Fraser *v.* Christiane Watsone, widow of John Meldrum in Wattertoun and Arthur Urquhart, burress of Abd. Cautioner David Thomsone in Kinmundie.

Mar. 13. **Renunciation and Discharge. Report of Commission.** Margaret Mackintosche, wife of Robert Farquharson of Fingzien, renounced her rights to the Davache and Lands of Dalreadie and Corraruisdall Boig, and others in the Parishes of Skeir Inch and Alvi [or Skeirinch and Alvi], Lordship of Badzenoche and Sheriffdom of Inverness, in favor of Paull Macphersane of Dalreadie. The Commission was signed at Aberdeen, on 2 March, and executed at Fingzeine, on 4 March, by Robert Gardyne of Tillifroskie, as Sheriff Depute in that part, Alexr. Dunie, Notary Public in Marivall, being Clerk. Those who were present and taken as witnesses to the Renunciation, were Robert, William and Donald Farquharson, lawful sons of the Laird, and Alexr. Macquibien, servitor to the Laird of Mackintosche.

May 8. **Loosings of Arrestments.** James Elphinstoune of Glak *v.* Hew Gordoune of South Colpnay. Cautioner Alexr. Mowat, occupier of a plough of Colpnay. The arrestment (as was quite usual at this period) had been laid on the "haill houssis and biggingis presentlie standing upon the ground of the saids lands of South Colpnay timer and timber wark theirow sic as cupilis panis ruiffis tailis cabers lookis dooris windowis pertaining to the said Hew Gordoune."

14. Mr. Wm. Glass of Westhillis *v.* Robert Urquhart in Quhytnuick. Cautioner John Robsone, burress of Abd.

15. Mr. David Leithe,<sup>1</sup> Minister at Ellon *v.* John Harigarie in Ellon. Cautioner Wm. Andersone, burress of Abd.

19. **Renunciation and Discharge.** Issobell Toseche, wife of George Jamesone, Painter in Abd., renounced her rights to the Lands of Fechill, in favor of John Gordoune, second lawful son of Mr. Robert Gordoune of Straloch. These lands had been wadset by Mr. Gordoune, with consent of Katherine Irving, his wife, to John Gordoune of Buckie, for 14,000 merks. Jamesone had acquired the wadset right from Gordoune of Buckie, which was now paid off. Both wife and husband signed the entry.

22. **Loosings of Arrestments.** Alexander, John and Andrew Pantoun, sons of the late Alexr. Pantoun in Seilliscruik *v.* Jeane Fraser, widow of the said Alexr. Pantoun and wife of James Gordoune. Cautioner Wm. Gordoun of Muirack.

27. Alexr. Irving of Yrnsyd and Robert Irving of Fedderet, his curator *v.* George Will in Quhythill. Cautioner John Jaffray, occupier of eight oxengait of Doghillock.

June 11. Mr. Wm. Setoun of Raniestoun *v.* George Sangster in Raniestoun. Cautioner Wm. Sangster in Auchindarg.

<sup>1</sup> This Minister was called "Leitche" in a previous entry. (*Supra* p. 497.)

## Aberdeenshire Sheriff Court :

- 1640.
- June 13. **Loosing of Arrestment.** James Hunter in Balquharne *v.* David Hunter, sometime in Balquharne, then in Clasfarquhar. Cautioner Andrew Hunter in Clasfarquhar. £100 was arrested in the hands of George Milne in Countesswallis.
- July 20. **Renunciation and Discharge.** Margaret Lamb, wife of James Smithe at the Milne of Rothie, renounced her rights in the lands of Smalburne in the Barony of Auchterless-Meldrum, with a croft called Burnriggis, in favor of Wm. Meldrum of Haltoun. The subjects had been wadset by Sir George Ogilvie of Carnowsies with consent of Wm. Meldrum.
28. **Loosings of Arrestments.** Alexr. Andersone of Tillikeirro *v.* Wm. Andersone, sometime in Standingstaines then in Crabstoun. Cautioner George Andersone, Citiner in Auld Abd.
31. Wm. Shand in Doune *v.* Patrick Milne at the Miln of Moncoffer. Cautioner Wm. Ross, Servitor to Sir Alexr. Abercrombie of Galtorss, knight.
- Augt. 31. **Renunciation and Discharge. Report of Commission.** Isobel Calder, wife of Wm. Fraser in Wester Foulles, renounced her rights to the fourth part of the lands of Tonley, Denmilne and Newtowne of Findlatrie called Stench [or Steuch] Guyse, in the Barony of Cluny and Parish of Touche, in favor of George Garioche of Tonley. The Commission to John Garioche in Meikill Endovie as Sheriff depute, and to Wm. Forbes in Asballauche as Clerk, was dated 11 June, and executed at Tonley, on 29 August.
- Sept. 7. **Loosings of Arrestments.** General James King and David King of Werbestor, his father, *v.* James Duff, sometime in Burnend and then in Kirkhill. Cautioner George Kennedy, brother german of John Kennedy of Carmuckis.
23. Patrick Leithe of Mongarrie *v.* Alexr. Irwing, sometime in Milnhill then in Courtstoun. Cautioner Wm. Gordoun in Wastseit, whose written obligation was presented by a procurator.
24. Wm. Broun, lawful son of Mr. Wm. Broun, Minister at Invernochty *v.* Alaster Wattie in Glencarvie. Cautioner John Forbes in Candacraig.
30. **Renunciation and Discharge.** Margaret Fraser, wife of James Keithe of Kinaldie, renounced her rights to the lands of Meikill Kinaldie in the Parish of Kineller, in favor of their son, James Keith, younger, of Kinaldie. She did so in consideration of her husband and her having received a Bond from their son for 250 merks per annum, equally between them.
- Decr. **Judicial Ratification.** Margaret Forbes, wife of John Forbes of Ardmurdo, ratified an alienation by way of wadset, to Mr. Robert Farquhar, late Bailzie burgess of Abd., of the lands of Ardmurdo and fishings on the Don, and specially in the Pot of Buckie. Sir Wm. Forbes of Craigvar had been a consenter to the Contract, along with John Forbes and his wife.



## Judicial Enactments : Vol. V., Contents

1641.

- Jany. 2.     **Renunciation of Tenancy.** John Hunter, Notary Public, renounced, as at Whitsunday, 1640, the "Overforhous pertaining to Mr. Wm. Sanderis, Minister at Bellie," lying on the west side of the Gallowgate of Abd., and Walter Sanderis, the Minister's son, accepted the renunciation.
6.     **Loosings of Arrestments.** Wm. Patersone, sometime in Rewbray, then in Delgatie *v.* Robert Smithe in Bogtoun. Cautioner Patrick Wat, burges of Abd.
27.     Andrew Cruikshank, Notary Public *v.* David King of Werbestor and Lieutenant-General James King, Cautioner Robert Abercromby in [?] Honycruike. The rent due by James Cordoner in Owertoun of Birnes was arrested.
30.     Alester Wattie in Glencarvie *v.* Wm. Browne, lawful son of Mr. Wm. Browne, Parson of Invernochtie. Cautioner Arthur Watt in Nether Towie.
- Mar. 12.     George Seatoun of Carnbrogie *v.* John Hendersone in Makterrie, as Executor of the late James Hendersone there. Cautioner Wm. Moir in Ferrihill, burges of Abd.
25.     **Renunciation and Discharge. Report of Commission.** Margaret Urquhart, wife of John Irving of Bruclaw, renounced her rights in Ower and Neither Yrnsydis, Walk Milne thereof, &c., in favor of Alexr. Irving, her husband's brother german. The Commission in this case was issued by Mr. Wm. Davidson of Carny, styling himself Sheriff depute appointed by his Majesty. It was dated 3 and carried out at Bruclaw on 11 February.
27.     **Loosings of Arrestments.** Andrew, Lord Fraser *v.* Christiane Watson, widow of John Meldrum in Watertoun. Cautioner David Thomsone in Kinnmundie. There was a written Bond of Caution handed in in this case.
- April 22.     Gilbert, Earl of Erroll *v.* John Syme at the Mill of Clayhillis. Cautioner John Kennedy of Kermuckis.
- May 12.     John Wallace in Colp and Jean Ross, his wife *v.* Andrew Horne at the Bridgend of Kinermitt. Cautioner John Allardes, burges of Abd.
14.     **Admission of Mair Depute.** John Hay in Kirktonne of Monymusk was admitted by the Sheriff depute, took the oath *de fidei* and found Robert Robertsoun in Kirktonne of Monymusk, as his cautioner.
19.     **Loosing of Arrestment.** John Irwing of Torrieleyth *v.* Robert Symmer there. Cautioner John Birny, burges of Abd.
21.     **Revocation of Deeds Granted in Minority.** Thomas Meldrum, eldest lawful son of Andrew Meldrum, Bailzie, burges of Abd., and then of Iden, stating himself to be within the age of 21, besides a general revocation, specially revoked two Bonds of Caution for his father in suspensions in the Court of Session.
29.     **Loosing of Arrestment.** John Reid in Abercattie and Sir Alexr. Gordoun of Cluny *v.* Wm. Brownie in Edindurno. Cautioner George Leslie, younger, of Kincraigie.

## Aberdeenshire Sheriff Court :

1641.

- June 4. **Loosings of Arrestments.** Thomas Davidsons of Argethin *v.* Wm. Grein in Argethin. Cautioner Wm. Garioche of Tillichetlie.
- James Duff in Baddis *v.* Wm. Johnstoun in Carny. Cautioner John Gordoune of Awachie.
- Patrick Gordoune of Badinscoth *v.* George Allardes in Bruklies. Cautioner Wm. Watt in Towie.
5. Marjorie Mengzies, widow of Thomas Forbes, Bailzie, burgess of Abd. *v.* Alexr. Smith in Glasterberrie. Cautioner James Cassie of Quhytstrypes.
10. Alexr. Blakhall, Portioner of Finerssies *v.* Wm. Gardyne in Finersie. Cautioner Wm. Gardyne, servitor to Sir Gilbert Mengzies, knight, of Petfoddellis.
- Alexr. Chalmer, burgess of Abd. *v.* George Davidsons, burgess of Abd. Cautioner Robert Gray, burgess of Abd.
11. Arthur Forbes of Eacht *v.* Wm. Walker in Brounehille. Cautioner Alexr. Coutis at the Milne of Kinerny.
- July 16. George Duncan and James Farquhar, burgesses of Abd. *v.* Mr. Gilbert Paip, resident in New Heavin in France. Cautioner Thomas Paip, burgess of Abd. An arrestment had been used in the hands of Alexr. Howisone, burgess.
23. John Forbes of Aslowne *v.* Wm. Foulartoune in Owertoune of Montgarrie and others. Cautioner John Foulartoune in Nethertoun of Montgarrie. Peats in the Moss of Meikill Endovie were arrested.
24. John Logie of Boddome *v.* George Lyon at the Milne of Meikill Wardes. Cautioner John Gordoune of Breistwallis.
- Walter Forbes of Tolquhone, Thomas Milne in Blairfoull and Andrew Andersone in Kilnary *v.* Christiane Andersone, widow of Andrew Milne of Minainie. Cautioner Samuel Midiltoun in Nethertoune of Mondurno.
- Sept. 4. Wm. Forbes of Tolquhon and Walter Forbes, younger, of Tolquhon *v.* Thomas Milne of Monkishill. Cautioner Samuel Midiltoun in Nethertoun of Mondurno.
11. George, Earl of Wentoune, Donator to the Ward of Alexr. Seatoune of Petmedden and Wm. Seatoune, Chamberlain to the Earl *v.* George Mathewsone, sometime at Milne of Bourtie, then at Milne of Fingzies. Cautioner Mr. Wm. Forbes of Fingzies.
21. George Allan in Fingziauche *v.* James Rogie in Petullies. Cautioner John Coup-land at Milne of Bandle.
24. Alexr. Irwing of Wastoun *v.* George Ross in Tarlan and others. Cautioner John Merschall in Ower Angoustoun.

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1641.

Novr. 10. **Loosings of Arrestments.** Mr. Alexr. Brabner, son of the late Wm. Brabner in Tulloche *v.* Margaret Crystie, widow of the said Wm. Brabner. Cautioners George Makie in Stainiefurd and Alexr. Gordoun in Tulloch. An arrestment had been used in the hands of Mr. Wm. Burnet, Minister at Kinarny.

11. Sir George Hamiltoun of Blakburne, knight *v.* Alexander Banerman of Elsick and Margaret Forbes, his wife. Cautioner John Irwing of Allathin. The rents of Murt-hill had been arrested.

Wm. Forbes of Corsindae *v.* the same. The same cautioner.

Hamiltoun of Biny, donator to the escheit and liferent of the said Alexr. Banerman *v.* the same. The same cautioner.

24. Andrew, Lord Fraser *v.* James Leslie in Haltoun of Fintray. Cautioner John Currie there.

29. Barbara Gordoune, widow of John Elphinstoun of Warthill *v.* James Fraser, then in Auchnagatt. Cautioner Alexr. Straquhan of Glenkindie.

30. Mr. Hew Irving of Beildsyd *v.* Andrew Irving in Abd. Cautioner Andrew Rob, Cassiemaker in Abd.

Decr. 3. George Leslie, elder, of Kincairgie *v.* John Mortimer in Logiedurno. Cautioner Robert Irving in Ryhill.

21. **Renunciation, Discharge and Ratification.** Jean Setoune, wife of John Ogiluy sometime of Birnes, renounced her rights to the lands and barony of Birnes and others in the Parish of Ellon, and the Teinds of Torrieleith in the Parish of Udney, in favor of Lieutenant-General James King.

**Loosings of Arrestments.** Wm. Seatoune of Meldrum *v.* Andrew Robertsons in Allathin. Cautioner Robert Johnstoun in Ower Tilligony.

1642.

Jany. 17. Capitan Thomas Forbes, as assignee of Sir Wm. Forbes of Craigivar *v.* Wm. Chalmer in Waster Fintray. Cautioner Robert Keithe, Writer to the Signet.

Febry. 9. John, Earl of Kinghorne, George, Earl of Seaforth, and Sir Robert Innes of that ilk *v.* George Gordoune in Hertheid. Cautioner Alexr. Gordoune, Fiar of Kincairgie. There was a special arrestment of oats standing in Lochrie.

Mar. 16. Andrew, Lord Fraser *v.* Wm. Merse in Auchrony and Andrew Merse, his brother. Cautioner James Rolland in Auchrony.

9. Wm. Seatoun of Meldrum *v.* Robert Johnstoun of Ower Tilligony. Cautioner (Out of date.) Patrick Farquhar, burgess of Abd.

May 4. Dame Marie Erskine, Dowager Countess Marischal, Gilbert Keithe her /La/ Chalmerlain, Mr. John Cheyne, Persons of Kinkell and others *v.* Patrick Downy in Milntoun of Kennay, as testamentary executor of James Thomsone in Blaires, his son-in-law. Cautioner John Law in Milntoun of Kennay.



## Aberdeenshire Sheriff Court :

1642.

- May 18. **Loosings of Arrestments.** George, Marquis of Huntlie and George, Lord Gordoune, his son *v.* John Wicht in Ladyboig. Cautioner John Cruikshank, burghess of Abd.
19. Sir Alexr. Abercrombie of Birkenboig and John Gordoune in Tocher, for his interest *v.* Thomas Thomsone in Tocherfuird. Cautioner Alexr. Farquhar, burghess of Abd.
20. Mr. Andrew Logie, Persone of Rayne *v.* James Watson in Lonheid of Bonytoun. Cautioner James Keith, younger, of Kinaldie.
21. Thomas Fraser of Petblae *v.* Magnus Tailzior in Greinbank of Petblae. Cautioner James Mylne, burghess of Abd.
23. **Renunciation and Discharge. Report of Commission.** Katherine Banerman, wife of Wm. Forbes of Knokquharne, eldest lawful son of John Forbes of Corsindye, renounced her rights to the lands of Knokquharne in the Parish of Eacht, in favor of John Forbes in Corskye and Elizabeth Forbes, his wife. The Commission was executed at Knokquharne, on 16 May. Among those present and called as witnesses were Sir Wm. Forbes of Monymusk and Robert Forbes of Coullie, his brother german.
24. **Loosings of Arrestments.** James, Viscount of Aboyne *v.* James Ross in Kamdore. Cautioner Thomas Irving in Hirn.  
John Gordoune of Haddo *v.* Walter Haliburtoun in Carnbrogie. Cautioner George Middiltoun, Advocat in Abd.
26. John, Earl of Kinghorne *v.* George Syme in Graystaine. Cautioner Wm. Hay, burghess of Abd.
28. **Discharge of Wadset and Ratification.** James Pantoun, sometime in Blakhous, and Marjorie Leithe, his wife, in consideration of 7300 merks paid to them by Patrick Urquhart of Lethintie, declared the lands of Ardfork and Kilblaine in the Parish of Bathelnie and Barony of Meldrum to be redeemed.
- June 1. **Renunciation and Discharge.** Helen Barclay, wife of Mr. Wm. Lumsden, Advocat in Abd., renounced her rights to the lands of Mains of Cookbirnes and others, including the pendicle called Tillibrex, in favor of Alexander Lindsay, sometime of Brigfuird, and Jean Fraser his wife.
3. **Loosing of Arrestment.** Alexr. Blackhall, Portioner of Finersie *v.* John Stinsone in Manecht. Cautioner John McAllane in Manecht.
10. **Renunciation and Discharge. Report of Commission.** Marjorie Fergusone, wife of John Forbes of Aslowne, renounced, in favor of Sir Wm. Forbes of Monymusk, all her rights to "All and Haill that pairt and portioune of ane Inland presentlie occupied by Sir Thomas Crombie of Kemnay knight with the haill sellaris chalmeris kitchinis loftis and uthers with the galerie and seuanis thair of adjacent thairto, the fairhous belonging to Alexr. Duff lyand in the Burgh off Abd. in the North syid of the Castellgate thair off betuixt the land of umquhill Gilbert Dawie at the east the land off umquhill James Mowat at the wast the backland pertaining to the said John Forbes at the northe and the fairhous of the said Alexr. Duff at the south." The Commission was carried out at Aslowne, on 30 May, Patrick Forbes, apparent of Campbell, acting as Procurator for Sir William Forbes, and John Leslie in Kininwic, Alexr. Calder of Cushny, Wm. Forbes, son of James Forbes of Cloak and Mr. Thomas Forbes, Persone of Tuche being taken as witnesses to the Act of Court.



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1642.

- June 23. **Loosing of Arrestment.** Janet Gordoune, widow of John Leith of Harthill, Adam Abercrombie of Auld Rain, her husband, Sir Alexr. Abercrombie of Galcors, knight, and Hector Abercrombie of Fetterneir *v.* Mr. Wm. Straquhan, Persone of Daviot, and Girsell Smith, his wife. Cautioner John Farquhar in Mowny.
25. **Renunciation and Discharge. Report of Commission.** Marjorie Buchan, wife of George Gordoune of Nethermuir, renounced the lands of Cokbirnes, &c. (as in entry under 1 June *supra*), in favor of Alexr. Lindsay, sometime of Brigfuir, and Jean Fraser, his wife. The Commission had been carried through on 6 June.
- Loosings of Arrestments.** Walter Forbes of Tolquhone *v.* Wm. Moir, sometime in Quhytcarnes, then in Kinnundie. Cautioner Mr. Alexr. Meingzies of Kinnundie.
27. Alexr. Smithe of Blairdaff *v.* Alexr. Cheyne of Petfichie and his tenants. Cautioner Walter Cheyn of Tillibin. Peats in the Moss of Blairdaff.
- Augt. 2. John Forbes of Corsindae *v.* Margaret Fraser, widow of Alexr. Burnet of Cluny, John Thomsons, elder and younger, in Kebetie and others. Cautioner Robert Wobster, Tailzior, burges of Abd. Peats in the Moss of Rannalloche.
- Sept. 1. Sir Alexr. Irving of Drum *v.* the tenants of Waster Beltie, Sundayiswall and Torphines. Cautioner John Gordoune of Fechill.<sup>1</sup>
17. George, Marquis of Huntlie, and Michael Jamesone, his Chamberlane *v.* Alexr. Litilljohn, sometime at Milne of Knokinbaird, then at Milne of Caden. Cautioner James Cruikshank of Tillimorgin.
22. Robert Dempster of Cushnie *v.* Wm. Lindsay there. Cautioner Wm. Barclay in Ardley.
28. George Raitt of Folla *v.* Robert Findlay, sometime in Folla, then in Fingzies. Cautioner Mr. Wm. Forbes of Fingzies.
- Oct. 11. Elspet Etterschank in Auchinsley *v.* James Hadden in Torphinis of Wester Beltie. Cautioner James Alexander, burges of Abd.
18. Mr. Roger Mowat, Advocat in Edinburgh *v.* Alexr. Sinclair, sometime in Lendrum, then in Segget. Cautioner Mr. James Haye of Petgair.
- Novr. 1. James Bonar in Broadhauche *v.* Robert Milne in Fetterneir. Cautioner Robert Milne, burges of Abd.
9. James Cheyne of Arnage *v.* Wm. Broun in Boigis of Badinscothe. Cautioner Wm. Lindsay, younger, burges of Abd.
11. Andrew, Lord Fraser *v.* Gilbert Couttis in Finersie. Cautioner David Simsone, burges of Abd.
- 1 Sir Alexr. Irvine had by this time acquired these lands. *Vide* 7 December on p. 506.

## Aberdeenshire Sheriff Court :

1642.

Decr. 7. **Judicial Ratification.** Katherine Irving, daughter and heir of Alexr. Irving of Beltie and wife of Mr. Robert Gordoune of Straloch, ratified a Disposition by her, with her husband's consent, in favor of Sir Alexr. Irving of Drum of the lands of Waster Beltie, Soundayiswall and Torphines of same date.

10. **Renunciation of Succession.** Arthur Smyth, eldest lawful son of Alexr. Smyth of Rora, to whom he had been charged to enter as heir, at the instance of Beatrix Ord, the widow, appeared and renounced his right of succession.

1643.

Febry. 4. **Renunciation and Discharge.** In consideration of a payment of 7200 merks, Margaret Donaldsone, wife of John Donaldsone of Hiltoun, renounced in favor of John Gordoune in Tillidesk and Marjorie Cheyne, his wife, all her rights in (1) Caldwell and Peltachic, &c., in the Barony of Ardgaine and Parish of Ellon, (2) a dwelling house in the town of Ellon, and (3) Todlehillis, also in the parish of Ellon.

Jany. 31. **Renunciation and Discharge. Report of Commission.** Anna Forbes, wife (Out of date.) of Arthur Forbes of Eacht, renounced in favor of her husband, her rights in the lands of Culquhorsic and Hilsyd in the parish of Eacht, an equivalent having been provided to her. The renunciation was taken at Place of Eacht on 20 January. The Clerk substitute was appointed by Mr. John Chalmer, styling himself conjunct Sheriff Clerk of Abd. Capitan Wm. Forbes and James Forbes, his son, were present at the sitting of the Commission, and signed as witnesses.

Febry. 7. **Renunciation and Discharge. Report of Commission.** Janet Leslie, wife of George Gordoune of Newtoun, renounced her rights in the lands of Burnfeild, Scheilfeild, Cockymuir, Nether Auldtoun of Awachie, &c., in the parish of Kinnoir, in favor of George Gordoune of Awachie, her son, by her former marriage with the late John Gordoune, and of Isobel Forbes, her son's wife, and the longest liver, &c. Wm. Gordoune, apparent of Newtoun, and Alexr. Gordoune, his brother, were among those present as witnesses.

8. **Renunciation and Discharge. Report of Commission.** Helen Gardyne, wife of Wm. Gordoune of Arradowl, formerly of Knokaspack, renounced her rights in the lands of Knokaspack, Ower and Nether (fully described in the entry), in favor of George Gordoune of Knokaspack. The Sheriff Depute in that part, who carried out the Commission at Arradowl on 31 December, 1642, was John Gordoune of Carnefeild, and there were present as witnesses James Gordoune, Fiar of Arradowl, John Gordoune, son of Thomas Gordoune, sometime Sheriff Depute of Abd., and James Gordoune, natural brother to the said Wm. Gordoune.

Mar. 29. **Loosings of Arrestments.** Sir Alexr. Cuming of Culter and Dame Janet Burne, his wife *v.* James Westland in Tillibirloche. Cautioner Wm. Forbes, Fiar of Corsindae.

April 1. John Leithe, "Lowetennent" of Forboiggis *v.* Wm. Mortimer in Westhall. Cautioner Thomas Nicolson, Bailzie, burgess of Abd.

## Judicial Enactments : Vol. V., Contents

1643.

April 13. **Renunciation, Discharge and Judicial Ratification.** Elizabeth Barclay, lawful daughter of the late Walter Barclay of Towie, and wife of Wm. Innes of Kinnermonie, having previously, with consent of her husband, and of Sir Thomas Burnet of Leys, granted a renunciation of the half lands of Drumquhendill in the Parish of Ellon, in favor of her father, now ratified it, and of new renounced the lands in favor of Patrick Barclay, only lawful son and apparent heir of the deceased Walter Barclay. The sum which had been paid by the last named for redemption of the lands was 10,000 merks.

22. **Loosings of Arrestments.** George Mitchell in Stainiebrigis *v.* John Shaw in Auchnahetniche. Cautioner Alexr. Smithe in Birkinbrewll.

May 12. Robert Irwing of Fedderet *v.* George Will in Boumakellie. Cautioner George Banerman in Foordailhous.

15. Alexr. Irwing of Arnage *v.* Gilbert Buchane in the Maynes of Arnage and John Prat in Ower Archedlaw. Cautioner Wm. Anderson, burgess of Abd.

17. Alexr. Irwing of Arnage *v.* Christiane Simsone, widow of George Smithe at Milne of Towie-Arnage. Cautioner John Simesone, occupier of eight oxengait of Inkhorne.

Alexr. Strauhan, younger, of Glenkindie *v.* Gilbert Simsone in Milne of Meikle Elrick and John Simsone, occupier of a plough of Brevhill of Annachie, who were cautioners for each other.

18. Alexr. Blackhall of Finersie *v.* Thomas Dickie in Auldtoune of Cothinglewis. Cautioner John Blakhall of that ilk.

20. James Cruikshank of Boigfarlie *v.* Andrew Glenly in Borrowstoune. Cautioner John Glennie at the Burne of Brediaicht.

**Renunciation, Discharge and Ratification.** Isobel Hendersone, wife of Patrick Walker, burgess of Abd., renounced her rights to (1) Ludquharne, Torhendrie, Lenabo, Auchtilair, Washingpool, Blekisburne, Newtoun of Clayhillis, Chappell Croft, Conzeak, Clola and others and (2) Boddome, Balmuir, Blakhous, Myrsyid, Quhythill and others in favor of Alexr. Forbes of Boyndlie. The lands first named belonged to Sir Wm. Keith of Ludquharne, while Boddome, &c. belonged to Alexr. Keith of Balmuir. They had been wadset to Walker and his wife, who by Disposition, dated 3 December, 1642, had transferred their security right to Forbes of Boyndlie. The amount of the consideration money is not given.

22. **Renunciation and Discharge.** Elspet Abercromby, widow of Archibald Raitt, Portioner of Lentushe, and wife of Alexr. Gordoune in Lentushe, renounced her rights to the half of the sunny half of Lentushe in the Parish of Rayne, in favor of James Raitt, son and heir of the said Archibald Raitt. She farther acknowledged that the provision to her in her Marriage Contract with Archibald Raitt of a liferent of 2,000 merks, had been satisfied and fulfilled.

### Aberdeenshire Sheriff Court:

1643.  
May 24.

May 24. **Renunciation, Discharge and Ratification.** Isobel Buck, who had been the second wife of John Gordoune of Tillielt, and was now the wife of Thomas Body of Petfour, having previously, along with Alexr. Gordoune in Tillielt, the eldest son of her former marriage, made over the lands of Tillielt to Sir Francis Gordoune, knight, now of new renounced and discharged her rights to these lands.

June 1.      **Renunciation, Discharge and Ratification.** Margaret Forbes, wife of Wm. Gordone of Braichlie, renounced her rights to Sividlie, Auchterkeig, &c., in favor of Robert Farquharson of Invercald, to whom she and her husband had granted a Conveyance of that date. The amount of consideration money is not specified.

2. **Renunciation, Discharge and Ratification.** Marjorie Erskine, wife of Patrick Gordon of Bracko, renounced her rights to two ploughs of the sunny half of Balhaggartie, in favor of Thomas Erskine of Balhaggartie in the parish of Logiedurno, in consideration of a payment of 4000 merks.

**Renunciation, Discharge and Ratification.** Jean Fraser, wife of Alexr. Lindsay, sometime in Bridgfoord, then of Birnes, renounced in favor of William, Earl Merschell, her rights in the lands of Lungair and Bissatishill in the County of Kincardine, with the same power of taking peats from the mosses of Clochnahill and Carnegie as Wm. Ogilvie of Lungair had been in use to exercise.

7. **Renunciation, Discharge and Ratification.** Isobel Fraser, wife of John Udnie of that ilk, with consent of Thomas Fraser, elder, of Streichin, her father, and Thomas Fraser, younger, of Streichin, her brother, renounced and discharged her rights under her Marriage Contract or at law after her husband's death. In lieu thereof she accepted the liferent of the Barony of Knokhall and Newburghe.

13. **Renunciation, Discharge and Ratification.** Beatrix Forbes, wife of Thomas Milne at the Scotismilne of Forbes, renounced her rights to the toune of Bandores in the parish of Aboyne in favor of Wm. Troup of Balnacraig.

15. **Loosing of Arrestment.** Robert Irving of Lenturk *v.* Duncan in Claymilne. Cautioner John Forbes in Auld Abd.

16. **Renunciation and Discharge.** Magdalen Straquhan, widow of Wm. Wood of Colpnay, and wife of John Gordoun in Schilles, renounced her rights to two ploughs of Littell Colpnay, then lately occupied by Wm. Wood and James Elphingstoun, younger, of Glak, in favor of George Wood, her son, by her former marriage.

22. **Renunciation, Discharge and Ratification.** Bessie Leslie, wife of Mr. Andrew Logie, Parson of Rayne, renounced her rights to the half lands of Lentusche and lands of Cockmuir in the parish of Rayn in favor of Mr. Gilbert Keithie, Minister at Bourtie. To the Disposition in favor of Keithie, dated 12 Jany., 1643, John Leithe of Newlandis had been a consenter.

23. **Loosing of Arrestment.** Robert Gardyne of Migstrathe *v.* Thomas Andersone in Hillock of Birss. Cautioner James Nicoll, Cordoner and Freeman of Abd.



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1643.

June 24. **Renunciation and Discharge.** Margaret Blakhall, wife of Patrick Forbes in Ardo, renounced in favor of Mr. Robert Farquhar of Muiny, Bailzie, burgess of Abd., her rights to two ploughs of the lands of Auldtoun of Knockinglewis, then occupied by Wm. Watt and Wm. Duncane. These lands had been wadset to Farquhar on the same day, by contract to which, besides Forbes and his wife, John Blakhall of that ilk, son and apparent heir of the late Wm. Blakhall of that ilk, Elizabeth Straquhan, his mother, and Janet and Catherine Blakhall, her sisters, were parties.

**Renunciation of Succession.** John Gordoune, lawful son of the late John Gordoune, who was the eldest son of the late John Gordoune of Auchanachie, having been charged to enter himself as heir to his said "Guidsir," renounced the right of succession and refused to enter himself heir.

**Loosings of Arrestments.** Wm. Forbes, younger, of Leslie v. John Fergus in Auchlyn. Cautioner Patrick Norie, Tailzior, burgess of Abd.

Sept. 5. James Burn in Balnagoak v. Marjorie Folla, widow of James Burne, sometime in Sacherley of Tilliegounie.

7. James Mackalland in Monymusk v. Alexr. Farquhar there. Cautioner Wm. Reid in Pitfichie.

8. Alexr. Forbes of Boynlie v. Wm. Craigheid in Dennis. Cautioner James Burnet in the [?] Greinidge of Pitterheid.

13. John Forbes of Ardmurdo v. Alexr. Calder, sometime in Logieruiff, thereafter in Hill of Tillicarne. Cautioner John Lumsden of Tillicarne. The arrestment was of the moveable effects, crop, &c., of Calder "the tyme of his rebellious and being at the horne."

14. Walter Forbes of Tolquhone v. Walter Charles, sometime at Milne of Minanie, then at Milne of Methlick. Cautioner Alexr. Stewinsoun in Pervinies.

15. Robert Forbes at the Kirk of Foverane v. John Body in Newbrughe. Cautioner James Scott in Meikill Haddo.

28. Alexr. Chalmer, sometime Deane of Gild of Abd. v. Elspet Duncane, widow of Wm. Duncane, burgess of Abd. Cautioner Wm. Petrie, burgess.

Oct. 3. John Forbes of Leslie v. Bartholl Layng, sometime at the Kirk Styill of Leslie, and then in New Leslie. Cautioner John Leith of Bucharne. The growing crop upon Kirk Styill had been arrested.

5. Alexr. Wat in Culfork and others v. John Thomson in Glenkindie. Cautioner Straquhan, burgess of Abd.

3. Wm. Grant in Doun v. James Pantoun in Middelthirld and others, as Executors or (Out of Intromitters with the estate of the deceased Margaret Grant, who was the widow of date). James Pantoun in Heddrie-hall. Cautioner Alexr. Pantoun in Monquhitter.

## Aberdeenshire Sheriff Court :

1643.

Octr. 5. **Judicial Ratification.** Margaret Bruce, wife of Alexr. Stewart, Merchand, burgess of Abd., and one of the lawful children of Sir John Bruce of Airthe, knight, and Dame Margaret Elphinstoun, his wife, appeared to ratify an Assignment and Translation, dated 4 October, granted by her husband and her in favor of Alexr. Bruce, her brother.

18. **Renunciation and Discharge.** Elizabeth Forbes, wife of John Irwing of Beltie, renounced her rights to the lands of Auchtanfoord, Schivado and Pundler Croft, in the Earony of Fedderet and Parish of Auchredie, in favor of James Irving of Auchtanfoord and Annas Keith, his wife.

21. **Renunciation and Discharge.** Elizabeth Wood, wife of James Elphinstoun, elder, of Glack, and Janet Leslie, wife of James Elphinstoun, younger, of Glack, renounced their rights to the lands of Littill Colpnay, Greinden and Schilles in the Barony and Parish of Belhelvie, in favor of George Wood, second lawful son of the late Wm. Wood of Colpnay. Neither of the ladies could write and two notaries subscribed the entry on their behalf. By a curious oversight the two Elphinstones, although present and consenting, omitted to sign. This was explained and remedied some nine and a half years afterwards by both gentlemen signing a marginal confirmation and approval of the act of their wives.

Augt. 16. **Curatory. Furiosity.** George Chalmer of Balbithan, who had been appointed [? Novr.] curator to his mother, Margaret Seatoun, widow of the late George Chalmer of Balbithan, presented Doctor James Chalmer, "Phisitian in Ordinar to his /Ma/" as his cautioner, who appeared and signed the Act of Caution.

Nov. 16. **Loosings of Arrestments.** *v.* Andrew Smithe in Perwinnies. Cautioner Patrick Moir, burgess of Abd. This was a dispute about the Moss of Perwinnies and the peats were arrested to abide the finding of a "cognition and tryall."

Mr. Andrew Logie, Parsone of Rayne *v.* James Gordoun in Lentush. Cautioner George Scot in Skaitcraigis.

28. Robert Seatoun in Maynes of Drumbreck *v.* Patrick Sangster in Newseat of Drumbreck. Cautioner Patrick Reid, occupier of two ploughs there.

30. **Tutury.** Alexr. Cruikshank, Armorer, burgess of Abd., who had been served as Tutor to James Cruikshank, son of the late James Cruikshank, Armorer burgess, appeared, accepted office and was sworn to be faithful. His cautioners were James Crystie, Tailzeour, Patrick Black, Saidler, and Henry Patersone, Armorer, all burgesses of Abd.

**Memorandum referring to the "Troubles."** "*Nota*—Margaret Buchane spous to James Forbes of Haughtoun, hir Renunciation of the Multures of the lands of Litill Endovie and uthers thairin mentionat in favors of George Garioche of Litill Endovie proceeding upon ane Commissione, was omittit and not buikit upon this last day of Nouember as it sould have beine in respect of the troubles and iniquitie of the tyme being givin in dew tyme bot is buikit afterwards of that same dait as sould have beine seing the same was presentit in dew tyme : In Jary. 1647. Mr. J. Chalmer."

## Judicial Enactments: Vol. V., Contents

1643.

Nov. 30. **Renunciation.** Margaret Buchane, wife of Mr. James Forbes of Haughtoun, renounced the multures of Little Endovie in favor of George Garioche of Little Endovie [vide last entry]. The Commission, which was signed by Sir Alexr. Irving as Sheriff, by Mr. William Davidson of Carny, as Sheriff depute, and by Mr. Patrick Chalmer as Sheriff Clerk on 12 April, 1643, was carried out at Haughtoun on 26 April, but not reported until this date (30 Novr.), which had been fixed as the last day for reporting it. Among the witnesses present at the Commission were Alexander Forbes, lawful son of Mr. James Forbes, William Forbes, his natural son, and James Joppe in Smiddiehill.

1644.

Febv. 10. **Tutory.** Mr. Alexr. Jaffray of Kingiswalls, nearest agnate and Tutor served to Susan Jaffray, daughter of the late Alexr. Jaffray, younger, Merchand, burgess of Abd., appeared, accepted office, took the oath *de fidei* and found Alexr. Burnet, younger, burgess of Abd., as cautioner for him.

Mar. 2. **Loosings of Arrestments.** Patrick Walker, burgess of Abd. *v.* Wm. Bruce, sometime in Orchardtoun, then at the Milne of Invernettie. Cautioner James Bruce at Scotis Milne.

8. Wm. Watt, messenger in Auld Abd. *v.* Wm. Hay, Citiner there. Cautioner George Cuming, Smith, Citiner there.

April 18. **Renunciation, Discharge and Ratification.** Helen Cowtis, wife of Alexr. Gordone of Carneborrow, renounced in favor of Mr. Wm. Forbes, Minister at [?] Mirtulliche, and his wife, Elizabeth Forbes, the lands of Tilliegrig and pendicle called Slugmagullie in the parish of Udny.

26. **Loosings of Arrestments.** Isobel Forbes, widow of James Forbes at Miln of Kellie *v.* Alexr. Gordoun, sometime in Tillielt, and Andrew Sime at the Nether Miln of Tillielt. Cautioner John Gordone of Dewchries.

30. Thomas Erskin of Balhaggartie *v.* Walter Patersone in Enramsay. Cautioner John Cheyn, apparent of Pitcapill.

May 28. Thomas Fraser, younger and elder of Strechin *v.* George Frensche in Auchquorthie. Cautioner Wm. Frensche in Tuithill.

June 4. Andrew Robertstone in Allathin *v.* Wm. Laird in Bothanzie. Cautioner George Cruves, occupier of eight oxengait of Craighall.

5. Mr. Andrew Logie, Parsone of Rayne *v.* Alexr. Andersone in Lonheid. Cautioner Mr. Wm. Straquhan of Luesk.

7. Walter Forbes of Tolquhone *v.* John Gordone in Litle Eythsie. Cautioner Gilbert Johnstoun in the Maynis of Essilmonthe.

21. Patrick Mowat of Balquhollie *v.* Alexr. Murray in Jackistoun. Cautioner Alexr. Beidie in Turreff.



## Aberdeenshire Sheriff Court :

1644.

June 22. **Renunciation, Discharge, and Ratification.** Margaret Bannerman, wife of Mr. Alexr. Seatoun of Tilliry, renounced her rights to (1) Easter and Wester Tillieve, with the pendicle called Calsiend in the Parish of Udney and (2) Tilliry, with the pendicle called Howlandis in the Parish of Fowerane, in favor of Wm. Seatoun of Minnes in liferent and George Seatoun his eldest lawful son, and his heirs male in fee.

**Renunciation and Discharge.** Margaret Hog, wife of Wm. Fraser at the Milne of Cattie, renounced all her rights to the Milne of Cattie, in the Parish of Birse, in favour of Wm. Troup of Balnacraige.

July 27. **Loosings of Arrestments.** Andrew Mengzies in Carnrobin *v.* Robert Gardyne of Tillifroskie. Cautioner Duncan Stewart of Innerchat. An arrestment had been used in the hands of Sir Gilbert Mengzies of Petfoddellis.

Sept. 1. Doctor Wm. Guild, Principall of Kingis Colledge of Auld Abd. *v.* George Wat in Gowner. Cautioner George Schand, occupier of a plough and a half of Craigie.

9. Robert Irwing of Fedderet *v.* Andrew Smithe in Calsiend of Scotistoun. Cautioner Patrick Moir, burgess of Abd.

Octr. 3. Cristian Ferror, widow of James Cruickshank, Armorer, burgess of Abd. *v.* Alexr. Fraser of Technuirie. Cautioner Paull Collison, Merchand, burgess of Abd. An arrestment had been used in the hands of Mr. Robert Farquhar of Mowny, Provost of Abd.

Novr. 8. Wm. Troup of Balnacraige *v.* Robert Gordoun of Cluny. Cautioner George Farquhar, Merchand, burgess of Abd. An arrestment had been used in the hands of Elizabeth Dowglas, widow of Alexr. Gordoun of Johnslays, whose death had taken place in the month of then last bypast.

30. Sir Wm. Forbes of Monymusk *v.* Thomas Gordoun in Westhauche. Cautioner Normand Leslie in New Rayne.

Decr. 5. Annas Fraser, widow of Wm. Hay of Ury *v.* Wm. Scot in Lochhilles, Michael Robertson in Cremondgorth and John Tarves in Tillikeirro, Cautioner Robert Hay, eldest lawful son of the late Alexr. Hay of Logie.

The said Annas Hay *v.* John Hay in Tillikeirro, Wm. Hay in Park and others. Cautioner John Hay of Cremondmogat.

24. The said Annas Fraser *v.* Andrew Finnie in Pitterheid. Cautioner John Forbes in Pitterheid.

1645.

Febry 12. Wm. Rolland, burgess of Abd. *v.* Wm. Watstone in Haddo. Cautioner Wm. Boyes, Portioner of Rattray.

April 24. **Tutary.** Mr. Hew Irvine of Beildsyid, who had been served as Tutor to John Irving, lawful son of the late Alexr. Irving of Kincowsie, accepted office, took the oath *de fidei* and presented John Johnstone of Frosterhill as his cautioner.



## Judicial Enactments : Vol. V., Contents

1645.

- May 10. **Loosings of Arrestments.** Mr. Wm. Lumsden, Advocat in Abd., and Wm. Lumsden, his eldest lawful son *v.* Thomas Mauld in Auld Meldrum. Cautioner Mr. Wm. Guild, Principal of the "Kings Colledge of Auld Abd."
13. Dr. Wm. Guild (as above) *v.* Alexr. Banerman in Kilbleine. Cautioner George Banerman in Foordailhous.
21. Alexr. Sangster of Boddomes *v.* Robert Anderson at the Milne of Boddome. Cautioner Mr. Alexr. Menzeis of Kinmundie.
22. Thomas Forbes of Wattertoun *v.* Beatrix Adamsone, widow of Gilbert Buchane in Wattertoun. Cautioner George Leyth of Auchrydie.
23. Sir Alexr. Cuming of Culter *v.* Alexr. Mitchell in Hilsyd. Cautioner John Rois-hill, occupier of two ploughs of the lands of Drum.
24. **Renunciation and Discharge.** Elizabeth Calder, wife of George Garioche of Findlatrie, renounced her rights in Findlatrie, including Oldtoun of Findlatrie, Newtoun of Findlatrie, Broomhill and Denmilne, &c., in favor of Mr. Alexr. Farquhar in Quhythauche.
- June 25. **Revocation by a Widow.** Grissel Urquhart, widow of John Coupland of New Milne of Auchterles, besides a general revocation, specially revoked two Bonds and a Marriage Contract, which she had signed during marriage to her hurt, under her husband's compulsion, as she alleged.
- July 2. **Loosings of Arrestments.** Robert Gardyne of Tillifroskie *v.* Thomas Andersone in Hillock of Birse, John Chrystie in Murlie and others. Cautioner James Nuccoll, Cordoner, frieman in Abd. This was connected with a dispute about the Moss of Garbett.
- Augt. 14. Walter Cruikshank in Brucklaw *v.* John Maij in Fedderat. Cautioner George Ross in Bomiekellie.
- Sept. 22. John Irving of Torileith *v.* Andrew Hervie in Monycabok. Cautioner Gilbert Iervie, elder, burgess of Abd.

James Baird of Achmeddan and Wm. Gerard in Litle Bythe *v.* Alexander, Lord Forbes of Petsleigo, Alexr. Forbes of Boyndlie, his Tutor, and David Cruikshank in Braclamoir, his tenant, for their interest. Cautioner Alexr. Club in Satlingraw. The crop on the east side of the Hill of Claveriefauldis had been specially arrested.

Mr. James Sandilands, "Common Procurator of the Universitie of Abd. and tuo Colledges thairof" *v.* Mr. Alexr. Irving of Hiltoun and Robert Irving of Fedderat, Donator to his "escheit and lyfrent." Cautioner Wm. Andersone, Goldsmith, burgess of Abd. In the obligation to relieve the cautioner, Robert Irving, brother german to Mr. Alexr. Irving, joined.

<sup>1</sup> The only occasion on which the University is thus described in those Records, so far as observed.

## Aberdeenshire Sheriff Court :

1645.  
Sept. 22.     **Loosings of Arrestments.** Alexander, Lord Forbes of Pitsleigo "heretable and undoubtit patrone of the parochie kirk of Abirdour" and Alexr. Forbes of Boyndlie, his tutor *v.* Jean Ogstoune, widow of Mr. George Clerk, Minister at the Kirk of Abirdour. Cautioner Francis Ogstoune, Servitor to Mr. John Nisbet, Commissary of Edinburgh. The crop of 1645 standing upon the "Gleib of the said Parochie Kirk" had been arrested.
23.     The said Lord Forbes of Pitsleigo and his Tutor and others *v.* James Baird of Auchmeddan and the tenants of Little Bythe. Cautioner Mr. Gilbert Baird in Auchmeddan.
1646.  
April 1.     Isobel Seatoun, widow of Wm. Seatoun of Disblair *v.* Mr. James Hervie, Minister at Uper Macher. Cautioner Mr. James Sandilandis, Commissary Clerk of Abd. There had been specially arrested a sum due by John Hervie in Broombray to Mr. James Hervie for his occupation thereof.
- May 2.     Mr. Thomas Gordoun of Kethokismylne, as assignee of Sir Alexr. Gordoun of Cluny *v.* George Mortimer in Haltoun, Alexr. Thomsone in Buchanestoune, Wm. Leslie of Wardes and others. Cautioner John Leith of Newlands.
18.     James Setoun of Petmedden and his Tutors and Cūrators *v.* Wm. Donald in Ardfork. Cautioner Mr. Wm. Guild, "Principall of the Kings Colledge of Auld Abd."
- June 6.     Christiane Crombie, one of the sisters and co-heirs of Sir Thomas Crombie of Kemnay and Robert Smith, burgess of Abd., her husband *v.* Dame Margaret Ker, his widow and executrix. Cautioner Robert Keith of Auchorsk. "Threttie packit packis of fedder beddis bowsteris plaidis sheitis coveringis and uther bedding" had been arrested.<sup>1</sup>
19.     Wm. Setoun of Blair *v.* James Tailzeor, sometime in Kinguidie then in Cattie. Cautioner James Tailzeor, Merchant, burgess of Abd.
- July 7.     Mr. Nathaniell Marteine, Persone of Abirdour *v.* Alexr. Forbes in Abirdour. Cautioner James Forbes, Merchand, burgess of Abd. There had been an arrestment of peats, but the name of the Moss was left blank.
11.     Alexr. Fraser of Techmuir *v.* Walter Forbes in Satlinbrae. Cautioner Thomas Forbes, occupier of a plough of the lands of Balust.
30.     Robert Fordyce, sometime in Bainisholl *v.* Robert Tailzeor in Johnesleyis and Robert Gordoune of Cluny, as his assignee. Cautioner Patrick Farquhar, burgess of Abd.
- Aug. 6.     Wm. Thomsone, Portioner of Boigholl *v.* James Hervie in Boigholl. Cautioner Thomas Cargill, burgess of Abd. This seems to point to a recrudescence of the disputes regarding the bounds of Drumnagair and Boigholl. (*Supra passim.*)

<sup>1</sup> The service copy of the arrestment has been preserved in this case, with an indorsation by the Sheriff Depute authorizing Mr. Patrick Chalmer, Sheriff Clerk, to accept the Cautioner.

## Judicial Enactments : Vol. V., Contents

1646.

Sept. 7. **Loosings of Arrestments.** Thomas Burnet of Campbell *v.* Henry Paull in Colquhittichie. Cautioner Andrew Hendersone in Kingiswalls.

12. Wm. Seatoune of Mynnes, Chamberlain of Fyvie *v.* Thomas Milne in Monkishill. Cautioners Samuel Midletone of Berrihillok and Gilbert Forsyth, Merchand burress of Abd.

23. John Cruikshank of Caden, Merchand, burress of Abd. *v.* Patrick Farquhar, Merchand burress there. Cautioner Andrew Farquhar, also Merchand burress. There was specially arrested £63 in the hands of James Bruce at the Scottis Mylne of Enverergie.

25. Robert Irving of Fedderet, as assignee of Doctor James Chalmer to the escheit of Mr. Alexr. Irving of Hiltoune *v.* Wm. Thomsoun in Pervinnies. Cautioner Andrew Watson, Flescher, burress of Abd.

Octr. 14. Hector Abercrombie of Fetterneir *v.* George Gregorie at the Milne of Quhythauche. Cautioner Mr. Wm. Sibbald of Ratchhill.<sup>1</sup>

1647.

Jany. 18. John Grub in Balbithane *v.* Geills Ross, widow and executrix of George Grub in Inverurie. Cautioner Alexr. Farquhar, Thesaurer, burress of Abd.

Mar. 24. Gilbert Skeyne of Dyce *v.* Wm. Hucheon in Midle Kirktoon of Dyce. Cautioner John Andersone of Standanstaines.

May 1. **Revocation of Deeds granted in Minority.** William, Master of Forbes, stating himself to be within the age of twenty-five, in addition to a general revocation, specially revoked a Bond signed by him in October, 1644, as cautioner for his father, in favor of Sir Wm. Dick of Braid, knight, and Mr. Andrew Dick, his son, for 36,000 merks of principal. John Forbes of Aslowne was on the bench as Sheriff depute.

20. **Loosings of Arrestments.** Patrick Urquhart of Lethintie and James Urquhart of Auld Craig *v.* James Deache in Auld Craig. Cautioner George Archbald, Indueller in Abd.

28. Walter Forbes of Tolquhone *v.* Alexr. Lin in Liveraclaires. Cautioner Wm. Ord, Wright, burress of Abd.

Patrick Urquhart of Lethintie *v.* John Setoun at the Mylne of Saphok. Cautioner Mr. James Gordoun of Seattoun.

31. Mr. Andrew Massie, Minister at Auchterles *v.* Andrew Browne in Boigis of Darley. Cautioner Wm. Lindsay, Merchand, burress of Abd. Peats had been arrested.

June 2. John Donaldsoun of Hiltoun *v.* Gilbert Buchane in Blindburne. Cautioner Patrick Farquhar, burress of Abd.

<sup>1</sup> This was the last appearance on the bench of Mr. Wm. Davidson of Carny, so far as has been observed.



## Aberdeenshire Sheriff Court :

1647.

- June 3. **Loosings of Arrestments.** John Irving of Murthill *v.* Alexr. Smyth in Auld-fauld. Cautioner Alexr. Cummyng. Fiar of Culter.
- Octr. 16. George Middiltoun and Margaret Robertsoun, his wife *v.* Samuel Middiltoun of Berrihillok. Cautioner Wm. Adamsone in Owerbirnes.
- Decr. 1. Alexr. Shand in Creichie of Fyvie *v.* John Cruikshank in Kirktoune of Bartholl Chappell. Cautioner Arthur Forbes in Mylne of Feichell.
- Sir Alexr. Abercromby of Galcors, knight, and Alexr. Abercrombie of Fetterneir *v.* Patrick Leith in Mylne of Bonytoun. Cautioner John Leslie of Badifurro.
6. Elizabeth Douglas, widow of                      Troup of Balnacraig *v.* Duncan Glenly in Tillifour. Cautioner John Glennie, occupier of a plough of Waster Learny.

**Memorandum by Clerk.** The following is written on the margin opposite the preceding entry : “*Nota.* Marjorie Mortimer spous to Alexr Forbes hir Renunciatioune of the lands of Langhauche in favors of Alexr Mitchell is buikit in the criminall buike upon the fyfteint of this instant.”

1648.

- Jany. 7. **Loosings of Arrestments.** Thomas Johnstoun of Craig [of Dyce] *v.* Alexr. Fergus, burgess of Enrourie. Cautioner Patrick Leslie in Legattisden.
- Mar. 8. Alexr. Farquhar in Dulab *v.* Leonard Leslie in Abersnethok. Cautioner Wm. Alshioner, occupier of eight oxengait of Buchanstoun.
17. Wm. Urquhart of Casteltoun *v.* Patrick Stewart in Eister Luncartie. Cautioners Wm. Duffus, Wright, and John Edward, Wobster, burgesses of Abd.
- May 9. Robert Temple in Ardlathen *v.* James Elmslie in Knokhall. Cautioner Andrew Chapman, Baxter, burgess of Abd. A sum in the hands of John Mair in Kinharachie had been specially arrested.
- Wm. Leslie, younger, of Wardes *v.* John Gellan, sometime in Tillifour. Cautioner Alexr. Abercromby of Fetterneir.
12. Alexr. Irving of Arnage *v.* Gilbert Symsonne in Cairnedelie. Cautioner John Kennedy of Carmucks.
15. Sir Alexr. Cumming of Culter *v.* Andrew Licklie in Pettingullies. Cautioner Alexr. Knowis in Angoustoun.
- James Urquhart of Auld Craig *v.* James Deauche in Auld Craig. Cautioner James Andersone, younger, burgess of Abd.
17. Alexr. Stewart of Colpnay *v.* Wm. Johnstoun in Colpnay. Cautioner David Johnstoun, Indweller in Auld Abd.
- Patrick Urquhart of Lethintie *v.* Walter Scott in Creichie. Cautioner Robert Watsone in Eister Creichie.



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1648.

May 18. **Loosings of Arrestments.** Donald Mackintosh of Achabala *v.* Andrew Webster in Achabala. Cautioner Wm. Nicoll, Merchand and Indweller in Abd.

Andrew, Lord Fraser *v.* Marjorie Leyth in Clintertie and George Leslie, her son. Cautioner Gilbert Watsoun, Merchand, burgess of Abd.

19. Sir Wm. Forbes of Monymusk *v.* Thomas Patersone in Todlachie. Cautioners George Forbes, Fermorar, and Wm. Couper, Wobster, both Indwellers in Abd.

Helen Murray, liferentrix of Auchinhuiff *v.* Thomas Kirkton in Auchinhuiff. Cautioner James Ergo, Smith, burgess of Abd.

20. Wm. Raitt of Smiddieburne *v.* Robert Raff in Midapill. Cautioner Andrew Raff, occupier of a plough of Over Rothie.

26. Alexr. Erskyn of Rothnay *v.* Walter Spens in Boigforth and Wm. Spens at the Myln of Carneborrow. Cautioner Adam Cowtis, brother german to Wm. Cowtis of Cluny.

June 6. Isobel Gordoun, widow of John Forbes of Brux and Adam Forbes, her son *v.* Alexr. Fraser in Sunnahard. Cautioner Arthur Forbes at the Mylne of Towy.

7. **Renunciation and Discharge. Report of Commission.** Anna Gordoun, wife of James Gordoun apparent of Terpersie, renounced her rights to Kirktonne of Clatt, Head Ailhouis croft and Newbigging in favor of Wm. Gordoun of Terpersie, heritable proprietor of these lands. The Commission, which was granted by John Keith of Glackriach, as Sheriff Depute and by Mr. John Chalmer, as Sheriff Clerk on 25 May, was executed at Clatt on 3 June, by Mr. George Gardyne, Parsone of Clatt, as Sheriff Depute, and by John Gordone, Notary Public at the Mylne of Meikill Wardess, as Sheriff Clerk Substitute.

9. **Loosings of Arrestments.** George Ross, Merchand, burgess of Abd. *v.* Mr. Thomas Mitchell, Minister at Turreff. Cautioner James Farquhar, Merchand, burgess of Abd. Money had been arrested in the hands of Thomas Forbes of Wattertoun.

Catherine Hendersone in Auchmull *v.* Wm. Moir in Caberstoun, as executrix of Patrick Moir there. Cautioner John Johnstoun of Frosterhill.

16. Patrick Ritchie in Peterheid *v.* James Mar, Chirurgion. Cautioner James Wright in Knockalochie.

21. George Gregorie in Auchorthies *v.* Wm. Guthrie at the New Milne of Logyduarno. Cautioner Alexr. Leslie of Petcaple.

July 3. Gilbert, Eart of Erroll *v.* Andrew Ritchie in Fortrie. Cautioner James Cheyne in Broomchill of Kinedwart.

## Aberdeenshire Sheriff Court

1648.

- July 1.      **Renunciation, Discharge and Ratification. Report of Commission.**  
 (Out of Helen Ogiluie, wife of George Anderson in Mylntoun of Noth, in consideration of  
 date.) £4,500, renounced her rights in the just and equal half of the lands of Courtestoun,  
 Drumgowan, Johnstoun and others in favor of John Leyth of Quhythauch, son and  
 heir of the late Patrick Leyth of Montgarie. The Sheriff Depute, who executed the  
 Commission at Clatt on 15 June, was George Gordoun of Knokepok.
- Sept. 15.    **Loosings of Arrestments.** Isobel Forbes, widow of James Gordoun of Tillielt  
 v. Harie Browne in Chappell Andat. Cautioner Alexr. Lyon in Ardo.
16.          James Gordon, heritable proprietor of the lands of Seatoun, eldest lawful son of  
 the late James Gordoun, Wreittar in Edinburghe v. John Forbes in Old Abd.  
 Cautioner Thomas Paip, burgess of Abd. There were specially arrested the "faill &  
 dowat castin upon ane reiskie peice of the samen lands lyand at the eist end of the said  
 John Forbes his ruids."
18.          George Broune in Auchnamoone v. Wm. Cassie in Craigdame. Cautioner James  
 Cassie, occupier of four oxengait of Cottoun of Meithleick.
- Alex. Burnet of [?] Concard v. John Yonge in Formastoun of Aboyne. Cautioner  
 Alexr. Findlay in Bounty.
29.          Patrick Sherar at the Myln of Inramsay v. John Ross in Montgarie. Cautioner  
 Patrick Greine of Graystaines.
- Octr. 16.    Walter Forbes of Tolquhone v. Alexr. Lyne, sometime in Laveroklares then in [?]  
 Clothwoodhill. Cautioner John Forbes of Tilligony.
21.          James Birny in Myln of Carnbrogy v. Andrew Muiriesone in Craigy. Cautioner  
 Walter Gordoun, burgess of Abd.

PART II.

Officials, 1600 to 1649





# OFFICIALS OF THE SHERIFF COURT OF ABERDEENSHIRE.

## The Sheriffs.

1600-1629.      GEORGE 1ST MARQUESS OF HUNTLY.

After his restoration to royal favour and to his public offices, in the last years of the 16th century, the Marquess of Huntly continued to hold and exercise the office of heritable Sheriff of Aberdeenshire until 1629, when the transaction by which he resigned office took place. Meantime his performance of the duties of his office seemed to many to be wanting in firmness, and he was frequently blamed for favouritism to those of the old religion, and to the partisans and followers of the House of Gordon. The disorders in the County were notorious, and the outrages of the "Society of Boys" intolerable. Complaints to the authorities grew in number, and it is to these, and to the desire of the Crown to annex for its own purposes, the patronage of the important office of Sheriff all over Scotland, rather than to the quaint intrigue described by Spalding, that the Marquess' displacement was attributable. On June 3, 1629, the Marquess, who had gone to Court against the orders of the Scottish Privy Council, signed along with his eldest son a Procuratory of Resignation of the Sheriffships of Aberdeen and Inverness, which was presented to King Charles I. at Bagshot on 15 August, and an Instrument of Resignation taken thereon. Before 5 September, it would appear that Sir Alexr. Irving of Drum had got an interim or temporary appointment as Sheriff, for on that date his Majesty wrote the Scottish Privy Council to continue Irving in office until "the tyme accustomed" (presumably Michaelmas). On 18 September Commissioners were appointed to take Irving's oath for the year following, and on 3 November the documents embodying Lord Huntly's resignation were in his own presence presented to the Privy Council at Holyrood, and with his consent ordered to be registered. A sum of £5,000 stg. was promised to the Marquess in consideration of his having resigned his Sheriffship, but the writer is not aware of any evidence

## Aberdeenshire Sheriff Court :

of its having been paid. Certain it is that, of the £5,282 19s. 6d., which the Duke of Gordon at a much later period received on the abolition of heritable jurisdictions, no part was attributable to the Sheriffships. It is evident from Decrees of the Court in 1641 and 1642 (*supra* pp. 484 and 485) that the Marquess and his son were much in need of a prompt fulfilment of the King's promise.

The Marquess died at Dundee on 13 June, 1636, on his way to Strathbogie from Edinburgh, where he had been in ward in consequence of his supposed complicity in the attacks by the Gordons and their allies upon the Crichtons of Frendraught.

1629. SIR ALEXANDER IRVING, YOUNGER (APPEARAND),  
OF DRUM.

Following upon the resignation of George 1st Marquess of Huntly came the first appointment on the new system, and the choice of King Charles I. fell upon a member of the ancient house of Drum. It is obvious from what has already been said, that he held the appointment before his installation on 1 December, 1629 (*supra* pp. 334 and 341).

Sir Alexander succeeded his father, the ninth Laird of Drum, very soon after this time, probably in the very beginning of the following year. The family, which had been gradually growing in importance, may be said to have reached its highest territorial influence under Sir Alexander. Both father and son were in much favour with the Royal House, and a patent had been made out creating the latter Earl of Aberdeen, when "the troubles" came, and for a time turned Scotland upside down. But these happened at a later period, during Sir Alexander's subsequent tenure of office, which will be noticed in its place.

1630. SIR GEORGE JOHNSTON OF THAT ILK.

There is no minute of Sir George Johnston's installation, but it would doubtless be at the Michaelmas Head Court occurring a year after his predecessor's appointment. On 7 Octr., 1630, he sat in Court and nominated two Sheriffs depute, one of whom—Thomas Johnstoune of Craig—was created principal Sheriff Depute. He signed the appointment in the Diet Book "Jonston of yt Ilk Shireff prinll of Abd." He

## Officials: Sheriffs

sat in Court occasionally, and in one of the headings is styled "the right worshipfull." Sir George had been admitted a burgess of Aberdeen (*ex gratia*) on 31 Augt., 1629.

1631 & 1632. ALEXANDER FORBES OF PITSLIGO.

The Diet Book for the period contains no minute of this Sheriff's appointment at Michaelmas, 1631, for the year to follow, but under date 2 November of that year there is a record of the appointment of Deputes and Procurators Fiscal by him. The duration of the Sheriff's appointment is fixed, apart from other evidence, in that the principal depute's term of office is to run from "the daitt hereof unto the sext day of September nixt to cum." To these appointments he appended his signature as "Petsligo, Schirefe." When his first year of office expired, he received a new Commission for another year, dated 5 and written to the Great Seal 13 September, 1632. This Commission is in the possession of his descendant the Right Honble. Baron Clinton, who was so kind as to lend it to the writer. It was presented at Old Aberdeen and within the Bishop's Palace there on 1 October, 1632. (*Supra* pp. 337 and 342). Judging from the entries in the Court Diet Book, Pitsligo did not quite serve out his second year of office, as his successor sat in Court in the beginning of August, 1633.

One of the difficulties of most of the Sheriffs of those days, who were large landed proprietors, was that they had not unfrequently cases in Court with their own tenants. The solution, which was found, was merely that of taking care that a Sheriff depute and not the Sheriff himself sat on the bench, but as the Sheriff depute held office from the Sheriff, it was not a solution that would hold good in modern times.

An example of this occurred during Pitsligo's tenure of office, when an action of Removing was called at his instance against more than a score of his tenants in Coldstone. (*Supra* p. 354). On that occasion Mr. James Irving, who held office only during the Sheriff's pleasure, was the Judge. No question was raised then, but the objection was taken every now and then both before and after this date.

1633. SIR THOMAS CROMBIE OF KEMNAY.

According to the Diet Book of the Court, the Right Honorable Thomas Crombie (not yet a Knight) was sitting in the Court at Aberdeen

## Aberdeenshire Sheriff Court :

and making appointments under him in August of this year. There is no trace of his Commission or installation ; but contrary to Spalding's statement that he was, on the expiry of his first year, continued for a time, but superseded by the Laird of Drum in December, 1634, we find him still officiating in Decr. 1635. Crombie was a Writer to the Signet, having a considerable business connection with Aberdeen, who had amassed some means, which he invested in the purchase of Kemnay from the Douglas family about 1624. He was a Member of Parliament, a Privy Councillor, and altogether a person of influence in affairs. Not having any family, he left large sums for pious purposes, and especially to Marischal College, where his name is still kept in memory by the Crombie Bursaries. In connection with the administration of the law in Aberdeen, he is chiefly remembered as having on 2 October, 1633, admitted a number of legal practitioners to be "members and ordinar Advocates and procurators of this seat" in the Sheriff Court, discharging all other persons from compearing or procuring "except they be first lafullie admitted be the Shireff and his license and libertie purchessit givin or grantit to that effect." (*Supra* pp. 338 and 343). Whether the purchase money for admission to the bar found its way into the pocket of the Sheriff along with other perquisites of the office does not appear. He was admitted a Burgess of Aberdeen on 16 September, 1605. His death seems to have taken place about 1644, but the exact date has not been found.

As a Sheriff Sir Thomas Crombie was most exemplary in his attendance on the bench, no other Sheriff principal up to that time, or for long afterwards, approaching him in this respect. Others might appear on important occasions such as Head Courts, but he sat frequently doing the regular work of the Court. He was a litigant now and then, as a matter of course, both during and after his own period of office.

The last codicil to his will was dated 5 March, 1644, and soon thereafter cases in connection with his succession appeared in the Sheriff Court. On 7 February, 1645, a Decree was obtained at the instance of Elspet and Christane Crombie, sisters and co-heirs of the deceased, with consent of John Gordoun and Robert Smith, burgesses of Aberdeen, their husbands, against Dame Margaret Ker, the widow, for exhibition and delivery of the deceased knight's title deeds and securities. In June,



## Officials : Sheriffs

1646, an arrestment was used in the widow's hands, proceeding, it is assumed, upon the foregoing Decree (certainly upon a Decree of the Sheriff Court) of "threttie packit packis of fedder beddis, bowsteris, plaidis, sheitis, coveringis and uther bedding and plenishing" pertaining to her, to remain under arrestment until the Decree was satisfied. That arrestment was loosed upon Robert Keith of Aquhorsk becoming cautioner for the Defender on 6 June, 1646. (*Supra* p. 514). On 24 June, 1646, there was another Decree at the instance of the sisters against the widow for exhibition and delivery of Bonds. Much later, on 22 May, 1651, there is a most interesting Decree, at the instance of the creditor of a legatee, in which the whole history of the insufficiency of the estate upon realisation, to meet the legacies, is set forth. The result generally was that the legatees received considerably less than what had been left them, Marischal College getting £11,034 Scots instead of 20,000 merks.

The reason of the unfortunate sale of the estate (valued by Sir Thomas at 100,000 merks and sold to Alexander Strachan, Younger of Glenkindy for 82,000 merks) is attributed to the "iniquitie of the tyme" whereby the lands had become "altogidder ruined, cast waist and deteriorat."

The Defenders in the action besides Sir Thomas Crombie's two sisters were Thomas Gray, Provost of Aberdeen at the time of the sale, (the price being payable at Whitsunday, 1649) and Strachan, the purchaser.

Readers of quaint old Spalding will find ample explanation of how the lands of Kemnay came to be in such poor condition when sold.

1635-46.

SIR ALEXANDER IRVING OF DRUM.

. According to Spalding, the Laird of Drum who had already been Sheriff in 1629-30 was appointed for 1634-5 ; but the Laird of Kemnay is proved by the Books of Court to have been in office as late as Decr., 1635. Sir Alexander's Commission would run from that time, and appears to have been renewed, year by year, until 1646 at least. In none of the existing Court Books for the period is he mentioned as Sheriff, except in 1639-40-41 ; but as the Diet Books proper are missing, that is not inconsistent with the fact, and Spalding's authority might have been accepted as sufficient without further evidence. A Decree of the Sheriff

## Aberdeenshire Sheriff Court :

Court, however, of 16 August, 1650, has been found, in which there is narrated an earlier Decree, dated 25 Novr., 1646 ("Sir Alexr Irvine of Drum Knight, being then Shirreff principall.") In the "troubles" the sympathies of Drum were with the Royal Cause, which entailed upon himself and his family much suffering and loss, as may be read in the pages of the sympathetic Spalding. In this connection may be noticed a transaction which he entered into in 1642 or 1643 with one of the Sheriff deputies, who was his neighbour, and, so far as can be gathered, his confidential adviser and friend at that time. By a Tack or Lease, dated 9 January, 1643, he let to Mr. William Davidson of Carnie and his subtenants, his Lands of Drumoak and salmon fishing on the Dee pertaining thereto, for Mr. Davidson's life, at a rent of ten merks Scots and the old Teind silver. Davidson's entry was declared to be at Whitsunday, 1642; but the lease bore "in the end thereof" the provision "that it should be lawfull to the granter" (Sir Alexander) "in his owne tym to annull the said tack at his pleasur." This, it will be observed, took place at a comparatively early stage of the troubles. At a later period—3 January, 1648, but still in Mr. Davidson's lifetime—Sir Alexander granted another tack to Jean Abercrombie, Davidson's wife, of the same subjects (rather more fully described in the Decree after referred to) for her life, with entry at her husband's death. The lease was to her and her sub-tenants "of german degree" the rent was ten merks and £5 teind silver. The same provision in favour of the Laird of Drum to annul at any time at his pleasure, was repeated as in the former lease. This clause the laird took advantage of in 1655, and obtained on 7 December of that year, a Declarator of nullity in the Sheriff Court, against Mr. and Mrs. Davidson. Whether this transaction was, in its beginnings, a device to safeguard, by putting into a friend's hands, part of the family property until "the troubles" should be past, or a real onerous bargain, cannot now be settled: but it might well be the former. It certainly points to such intimate relations between the Sheriff and his depute, as to give colour to objections which, as may be seen (*supra* p. 490), were taken to Davidson as a Judge competent in Laird Drum's litigations.

To return to Spalding, we find that in the early days of 1644 he has it that "the laird Drum, Schirref principall of Aberdene, is chargit with letteris direct out in the Kingis name (bot God kenis if thay war with his

## Officials : Sheriffs

Majesteis will) to . . . go serche, seik, tak and apprehend the laird of Haddoche" (Sir John Gordon) "or to tak his hous and mell with his rentis." This, it may be noted, was about the time the Scots army, under Alexander Leslie, Earl of Leven, crossed the Tweed to the support of the English Parliamentary party against Charles I. Irving went with a Sheriff depute and party to the house of Kelly, but did not apprehend Haddoche. Soon after, the Sheriff was charged to apprehend the Marquess of Huntly, but this he said was the business of the Sheriff of Banff, the Marquess' House of Bog being in that County. On 26 March the Marquess came to Aberdeen accompanied by his friends, and among them Alexander Irving, Younger of Drum, and his brother Robert : but not the old Laird. In a quaint parenthesis the Chronicler records "bot the auld laird Drum baid still at home and miskenit all." The sacking of the house of Drum by Argyle's soldiers in the following May was only a sample of the miserable condition to which Aberdeen and its neighbourhood were reduced in that wild time. The City and district were literally ground as between the upper and nether mill stones. By the year 1645, the old Laird and his two sons were in custody in Edinburgh, where one of the sons died after much harsh treatment. In May the old Laird seems to have been liberated. He did not live to see the Restoration, his death having taken place in 1658.

1647.

### SIR WILLIAM FORBES OF CRAIGIEVAR.

At the period we have now reached, Charles I. was a prisoner in the hands of the English Parliamentary Commissioners, and the Covenanting party in Scotland had practically undisputed sway. Hence we have one of the Forbes family, who, for the most part, were on that side during the troubles, appointed (17 March, 1647) by the Parliament, Sheriff until Michaelmas following.

Sir William Forbes, the son of William Forbes, the first Forbes of Craigievar, and nephew of the pious Bishop Patrick Forbes of Corse, succeeded his father in the end of 1627, and was created a Baronet of Nova Scotia in 1630. His death appears to have taken place in the year 1648 and Mr. Thomas Thoirs, Minister at Udney, obtained on 24 April, 1650, a Decree in the Sheriff Court against "Sir John Forbes of Cragivar son and air of umqll Sir Williame and his tutors and curators

## Aberdeenshire Sheriff Court :

if he any have," for the purpose of registering for execution against the heir a Bond for 3000 merks, dated 21 June, 1648, granted by Sir William, as Cautioner for John Forbes of Aslowne, who had been Sheriff Depute under Sir William in 1647.

Sir William was one of the Commissioners of the Shire in Parliament in 1641, and for several years afterwards, and a member of all important Committees.

The references to his public life are too numerous to be mentioned, but a few may be noted.

He was one of the Commissioners for visiting the Colleges in Aberdeen in 1645 and 1646.

On 3 February, 1646, on a motion by him and the Laird of Echt, a Commission was appointed to enquire into the losses of Aberdeen in the troubles.

Sir William appears to have been much out of pocket himself in connection with his exertions on behalf of the Parliamentary party, and so we find arrangements made for his re-imbursement. The seizure of the house of Drum has already been referred to, and it seems that Craigievar had been in possession of it, on behalf of his party, and at serious charges. The rents had been granted to the Earl Marischal, in order partly to recoup him for his losses ; but in February, 1646, the Parliament suspended the grant to him, and gave Sir William Forbes possession with right to draw the rents.

In the following Parliament (of which he was not a member) an Act was on 26 March, 1647, passed, voting him £10,000 Scots for his present subsistence and towards reparation of his and his tenants losses and sufferings during the troubles.

Immediately before this, he had, as has been stated, been appointed Sheriff Principal. The Act appointing him bears that his election took place after " Leitting and voyceing " from which it would appear that at least one other name had been before the Commissioners.

On 27 March, 1647, he obtained a Parliamentary Ratification of two Charters by King James VI. to his father, of the Lands and Barony of Logiefintrie, and of a third by King Charles I. to his father in liferent, and himself in fee of the same lands.



## Officials : Sheriffs

1647.

WILLIAM, 6TH EARL MARISCHAL.

During a part of the struggle between Charles I. and the popular party, the Earl was the local leader of the latter, as the Marquess of Huntly was of the Royalists. Afterwards he leaned to the King's side, becoming an "Engager," and according to Douglas, he raised a troop of horse and was with the Duke of Hamilton's Army in the invasion of England for the rescue of the King. In any case it is plain that somewhere about this time he was in favour with the unfortunate Monarch, for there is clear evidence that he received a letter under His Majesty's Privy Seal conferring on him the Sheriffship of Aberdeen for life.

The King was by this time a prisoner, having been given up by the Scots, to whom he had surrendered, but a large party in Scotland had now become parties to the engagement for his rescue. So we find Earl Marischal's title recognised by the Estates, who appointed a Committee of their number to settle a dispute as to whether the Lairds of Philorth and Udny, East Aberdeenshire Lairds, or the Lairds of Craigievar and Echt, West Aberdeenshire Lairds, had been elected Commissioners to Parliament for Aberdeenshire. The question was certainly raised at a Head Court, presided over by the Earl Marischal as Sheriff. There being no Diet Book for the period, it does not appear in what circumstances the dispute arose, but both parties presented Commissions to Parliament. It is not clear whether there was more than one Head Court, but the election in dispute took place at a Head Court at Peterhead, on 5 October, 1647. The Sheriff's decision in favour of Philorth and Udny was appealed by their opponents to the Estates, and the Committee appointed took the oaths of verity of the Sheriff and of Philorth and Udny, and on their Report their Commission was sustained.

The Earl did not hold office long at this time, being displaced by the Scotch Committee of Estates in the beginning of 1649, but he was restored to office by Charles II., with consent of Parliament, in 1661.

1649.

WILLIAM, MASTER OF FORBES.

On 30 January of this year, Charles I. was beheaded and (to quote the words of an Act of Parliament of Charles II. of 1661) Willam, Earl

## Aberdeenshire Sheriff Court :

Marischal "was debarred from the exercise of the Schirreffship by those who usurped the Government after 1648."

As may be remembered, Charles I. about 1629 had abolished the heritable Sheriffship in the County of Aberdeen, and Sheriffs had been appointed by the year or for limited periods until Sir William Forbes' term of office expired at Michaelmas, 1647, when the King conferred the office upon William, Earl Marischal for life. His doing so was probably only one of many gifts of a similar kind, and so the Estates passed on 15 March, 1649, the "Act anent new giftis of heretable or Lyfrent Shirrifeschipis, Bailliaries or regalities," part of which may very properly be quoted as forming a link in the history of the office at this period.

"THE ESTATES of Parliament TAKING in their consideratiounes the manifold reasones obleidging thame to purge the judicatories of the Kingdome . . . . and withall considdering the manifold preiudices and evill consequences of the laite designe to inslave the kingdome by many uther meanis So by the laite new giftis of heretable or lyfrent Shirreffschippis . . . . so farr contrary to the old Actis of Parliament wherby they should not be dispoised without express advyse and consent of Parliament and contrarie to the weill of the kingdome and our laite Sovereigne Lord his many resolutiounes and declaratiounes in favouris of the Shires, THAIRFORE and for many uther reasones and consideratiounes moveing thame THEY doe Repeall recall and rescind the foirsaid Comissiounes . . . . Lykas they Repeall rescind and annull all Comissiounes or giftis for new heretable or Lyfrent Shirrifeshippes . . . . granted of new by our Laite Soverane Lord since the Parliament 1641 To any except to such as had thame of befoir and are free to the Classes And dischaarges the receaveris of these giftes to Clame any Jurisdictione therby over the Leidges . . . . Lykas the Estaites of Parliament Dischaarges the Leidges after the proclamatiounes of this Act to acknowledge or obey the Courtis or ordouris of the foirsaid Schirrifis . . . ."

On the same day, by an "Act electing of Schirrifis principallis in the severall Shires,"<sup>2</sup> on the narrative of the repealing Act quoted above, the Estates of Parliament appointed William, Master of Forbes, Sheriff principal of the Shire of Aberdeen for a year. There is a record of a

<sup>1</sup> Scots Acts VI. Part II. p. 297.

<sup>2</sup> Ibid. p. 316.

## Officials : Sheriffs

Head Court held on 2 October of that year, at which he presided. It has not been ascertained for certain whether he continued in office more than a year, but no trace of any other has been found prior to the advent of the Commonwealth a year or two later. The Courts continued to sit regularly, and Thomas Gordon and Alexander Forbes, both Deputes under the Master of Forbes—sometimes one sometimes the other—dispensed justice until the end of February, 1652. The Michaelmas Head Court was held (the Sheriff Depute, Thomas Gordon presiding) on 30 September, 1651, which was after the arrival of the English forces, but there is no record of a Yule Court in the beginning of 1652. The probabilities are rather in favour of there having been no other Sheriff between the Master of Forbes and Col. Richard Ashfeild and Mr. Alexr. Douglas of Dounies who took office under the Commonwealth.

Many references to William, Master of Forbes are found in the Records of the time. On 21 Sept. 1639, he was one of those appointed by Parliament with the view of settling the disorders in the North and securing the peace in time to come. In a Decree of the Sheriff Court on 7 Decr., 1655, it is stated that he commanded a Regiment at Aberdeen in the year 1640 or thereby.

Among the proceedings of Parliament 21 June, 1644, there is an Act giving effect to the Master of Forbes' supplicatione for payment of a reward of 3,000 merks for the apprehension of Robert Irving, Laird of Lenturk, who had been declared fugitive for not appearing before the Committee of Estates at Aberdeen. On 6 March, 1645, he was appointed one of those to command the forces in Aberdeenshire, and a member of the Committee of War for the County in the following year. In 1648 he was appointed by the Estates one of the Colonels for the County. The same was repeated in the following year. In point of fact he was on almost all the Committees nominated by the Estates and was a most prominent and zealous member of their party.

As an instance of his zeal we find that he was one of those who laid siege to the house of Pitcaple and burned it, for which, and the bloodshed in connection with it, he received the approval of the Estates in March, 1649, as having acted for the public good.

The revocation by the Master of Forbes, made in the Sheriff Court at Aberdeen in May, 1647, may be referred to here. [*Supra* p. 515]. It

## Aberdeenshire Sheriff Court

is of interest as a specimen of appearances, which were formerly not very uncommon, and as an evidence, too, of the early age at which young men of family in those days took part in public affairs.

The subject of this notice outlived all the troubles, became Lord Forbes on his father's death, and died in 1691.



## The Sheriffs-Depute.

1600-1621. JOHN GORDOUN OF BOGS, TULLIGREIG,  
LENTUSCHE AND LITTLE GOWELL.\*

The designations following the name of this John Gordoun occur in succession in the Books of Court, and at first sight suggest that there were four different Sheriffs-Depute, one after another, of the same name. After very anxious examination of contemporary records and comparison of signatures, the writer has arrived at the conclusion that only one person of the name of John Gordoun held the office during the years indicated, and that he did so without a break except for a period of rather more than a year—1617—when he was warded in Edinburgh in connection with what has been regarded as the judicial murder of Francis Hay in December, 1615.

It is evident from the numerous allusions to him, that he was a trusted henchman of the house of Gordon, and that the doings of himself and his friends not infrequently attracted the unfavourable attention of the Privy Council. He is believed to have been a natural son of Alexander Gordoun the second of Knokepok, and a great-grandson of William Gordoun the first of Buckie. Much might be written about this interesting Sheriff-Depute, but space does not permit. He was admitted a burghess of Abd. in 1599, he was an elder in the parish of Fintray in 1601, he had a "Chalmer" in a house on the west side of the Gallowgate as late as 3 Octr., 1620 [*vide supra* p. 128], and he died between that date and 28 November of the same year, when his son Thomas was admitted a burghess.

1621-6. THOMAS GORDOUN OF LITTLE GOWELL.

\* An asterisk after the name of a Sheriff-Depute is intended to denote that he was Principal Sheriff-Depute.

## Aberdeenshire Sheriff Court:

1601-1617.<sup>1</sup> MR. RICHARD IRVING OF HILTOUN,  
BURGESS OF ABERDEEN.

Mr. Irving was admitted at Michaelmas 1601 and continued to exercise the office till 1617. From the beginning of the 17th century there appears, as a rule, to have been a lawyer conjoined with the laird in the office of Sheriff-Depute. This second depute did not occupy quite the same position as the other and, although this is not expressly stated in Irving's appointment, it may be reasonably assumed from what is found to be the practice very shortly afterwards. A Mr. Richard Irvine appears on the List of Advocates in Aberdeen in 1577, and a person of the same name is several times cautioner on the admission of burgesses after that date. Although not so designed he may be considered to have held the same position as the Sheriff-Substitute of a later period.

1612-17. MR. ALEXANDER JAFFRAY OF KINGISWALLIS.

1616-21. JAMES GORDON OF KNOKESPOK.\*

1622-33. MR. JAMES IRVING, ADVOCATE IN ABERDEEN.

1618-25. MR. WILLIAM PAIP, ADVOCATE IN ABERDEEN

1625-30. MR. ALEXR. PAIP, ADVOCATE IN ABERDEEN.

1625-9. WILLIAM GORDOUN OF KNOKESPOK.\*

1629. JOHN KEYTH OF GLACKREAUCE (CLACKRIACH).\*

1629 and later. WILLIAM CORDONER, ADVOCATE  
IN ABERDEEN.

1629 and later. ALEXANDER THOMSONE, ADVOCATE  
IN ABERDEEN.

1630. THOMAS JOHNSTOUN OF CRAIG.\*

<sup>1</sup> The dates prefixed to the names in this list cannot be warranted to be more than approximately accurate, and one or two names of persons appearing only once or twice have been omitted.

## Officials: Sheriffs-Depute

1630. JOHN MAKIESON IN INVEROURIE.

1631-32 ALEXR. FORBES, YOUNGER, OF BOYNDLIE.\*

1629-46. MR. WILLIAM DAVIDSON, ADVOCATE, ALSO OF  
ORD AND LATER OF CARNY.\*

Mr. Davidson was a member of the Scottish Bar as early as 1618, the first, so far as observed, to hold judicial office in the County of Aberdeen.

At the date of his first appearance on the bench in the Aberdeen Sheriff Court, he was one of the deputies under the Principal Sheriff-Depute: but during Sir Alexander Irving's second term of office he probably had the higher status, and it is quite apparent from the entries in the Records of the Court and elsewhere, that his relations with the Laird of Drum were of an intimate kind. In 1637 Mr. Davidson obtained a Crown appointment for life, or to use the words of Spalding "Mr William Davidson purchased ane Commission frae the Council to be Sheriff depute dureing his lifetime and the Court fenced in his name with the principall Sherriffs wherof the like was never sein here." In the Books of Court he is occasionally styled "our Sovereign Lords Depute of said Sherifffdome" or Sheriff-Depute "appoynted be his Majestie," quite confirming the old chronicler, to whose pages and to the Scots Acts reference is made for many interesting notices regarding Mr. Davidson. In the end probably in 1646, he was fined 3,000 merks Scots by the Committee of Estates, and deprived of his office, as "ane malignant." He was able to pay £1,000 Scots of the fine, and in 1647, upon his petitioning Parliament, the other £1,000 was remitted: but apparently his supplication to be restored to office was not favorably entertained.

1634. MR. ALEXANDER GARDYNE, ADVOCATE  
IN ABERDEEN.

1634-44. MR. ROBERT REID, ADVOCATE IN ABERDEEN.

This Sheriff-Depute began to sit under Sheriff Crombie: but continued under his successor Sir Alexander Irving doing a large part of the



## Aberdeenshire Sheriff Court

work until his death in the conflict at the Crabstone on 13 Sept., 1644. He was an Advocate in Aberdeen in 1633, and was probably the burgess of that name admitted (*ex gratia*) in 1628. It may be concluded from his taking part against Montrose (then a Royalist) in 1644, that his sympathies were with the covenanting party. His colleague Mr. Wm. Davidson, as we have seen, favoured the other side.

1636.                    ROBERT IRVING OF MONTCOFFER.\*
1647.                    JOHN FORBES OF ASLOUN (ASLOWNE).\*
1647.                    JOHN KEITH OF CLACKRIACH.\*
1648.                    WILLIAM KEITH IN GARLOGIE.



## The Sheriff Clerks

1600-30.

MR. WILLIAM ANDERSON.

Mr. William Anderson, whose appointment was dealt with in Vol. I., continued to hold office until his death in 1630, or perhaps 1631. He was closely identified with the old regime, and apparently attached to the old religion. In 1628, and while still Sheriff Principal, Lord Huntly was called upon by the Privy Council to remove him from office "as ane profest and avowed Papist and under processe of the kirk for Poprie." It may have been the dread of what might happen to him through the intolerance of his adversaries, or it may have been on account of advancing years that induced him [*Supra* p. 279] to obtain in 1624, a gift of the reversion of his office to his son Mr. George Anderson, Advocate in Aberdeen, and again in 1626 [*Supra* p. 289] to cause his youngest daughter Helen to choose curators during her minority. It is interesting to note that one of these was the well known Mr. Robert Gordoun of Straloch. Mr. Anderson in spite of the attacks upon him succeeded in remaining in office until his death in 1630 or 1631. The last of his numerous signatures occurred in the former year, but so late as 1 December, 1630, there is an entry [*Infra* p. 336] indicating that, although his successor, Mr. Patrick Chalmer, was already his colleague, he was still in life.

A Mr. Wm. Andersone held the office of Canonist at Kings College in 1619, and the probabilities are that the Sheriff Clerk and he were the same person.

1630-46.

MR. PATRICK CHALMER.

Mr. Chalmer was a son of the Sheriff Clerk of Banffshire. He married Helen Andersone, the daughter of his predecessor, was apparently for a short time his colleague, and afterwards his successor in the office. He was also from 1643 until his death in 1646 Town Clerk of Aberdeen. According to Spalding he was sent to Berwick in July, 1639, to represent

## Aberdeenshire Sheriff Court

how those for whom he acted "were undone and oppressed be the tyrannie" of the Covenanting party. Reading this along with an entry in the Scots Acts in 1644, bearing that he was summoned before Parliament and remitted to the Committee at Aberdeen for trial and censure, it may be gathered that his sympathies were not with the popular side.

1646-9.

MR. JOHN CHALMER.

This Sheriff Clerk was the brother of his predecessor, at one time his Depute as Sheriff Clerk, afterwards conjoined with him and ultimately his successor. He seems to have been also for a short time conjoined with Mr. Patrick Chalmer in the office of Town Clerk, and to have succeeded him in that position also. As no trace of any other Sheriff Clerk has been found, until the appointment of Mr. John Campbell in 1649, it is assumed that Mr. John Chalmer held office until that date.

## The Procurators Fiscal

- 1600-1631.      MR. WILLIAM BARCLAY, ADVOCATE  
                         IN ABERDEEN.
1629.            MR. ALEXANDER GARDYNE, ADVOCATE  
                         IN ABERDEEN.<sup>1</sup>
- 1631-1649.      MR. ALEXANDER DAVIDSON, ADVOCATE  
                         IN ABERDEEN.

<sup>1</sup> Almost no trace has been found of Mr. Gardyne having acted, but as he was Fiscal in Criminal and Capital actions, the Books containing which are missing, it does not follow that he did not act.





ERRATA.

*Page 6. On third line for 1510 read 1610.*

*Page 496. On tenth line for 1644 read 1643.*













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